


European constitutional history

Nelson Case



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European Constitutional History;

OR,

THE ORIGIN AND DEVELOPMENT
OF THE GOVERNMENTS OF
MODERN EUROPE,

FROM THE

Fall of the Western Roman Empire to the
Close of the Nineteenth Century.

BY

NELSON CASE.



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INTRODUCTION.

SOCIETY and government are living organizations which have grown into what they now are. They never could have been constructed by a mechanic. It is only through the development of a living principle that they could have reached the perfection they to-day enjoy.

Scattered along the pathways which society and government have traveled are piles of facts which now seem dead, but which once were replete with life. To make these dead facts again live is to write history. These facts were all, to a greater or less extent, related. They were all given a being by some force whose operation was directed by law. The department of science which has to do with the laws presiding over and controlling the life and growth of these institutions has been called historical physiology. Facts are the body of history, and their knowledge and description are properly called historical anatomy. If one can so present these facts as to enable others to see their physiognomy in the various stages of their growth and development into the institutions which now surround us, he is entitled to the designation of

historian. But no work can properly be called a history which does not make the reader see a living organization. If possible, it is desirable that this organized body should be clothed in a manner which will make it appear, if not lovely, at least attractive. But the clear outline, the distinct features, the force and activity of the organization, ought never to be sacrificed for beauty of drapery. Fine rhetorical phrases and other literary embellishments are desirable only as they are the expression of clear thought and a correct theory of the period or events to be described.

It should be understood that, on many questions connected with the early history of most countries, there is a difference of opinion among historians as to what the real facts are. Of course, many things are well attested; but on many others we can only conjecture, and the most that can be safely said when speaking of these subjects is, that a certain conclusion is probable. I have not thought necessary to say every time, when treating of such questions, that in reference to this matter there is doubt: I give the conclusion which, to my mind, seems the most probable and the best authenticated.

Whether a people have a definitely framed and written fundamental law, formed, prepared, and promulgated at one time, or whether such principle in government is to be gathered from numerous acts and documents, oral or written, extending through centuries, makes little difference; for constitutional law always has been, and necessarily must be, a matter of growth. Even though a writ-

ten constitution be not changed, the varying needs of a people as they arise under an advancing civilization and development, are constantly asserting themselves, and find expression through legislative enactment, executive order, judicial decision; in a hundred ways they make their appearance in the life of the people, and, before one is aware of it, the constitution has been as effectively changed as though a formal amendment had been proposed and accepted by a direct vote of the people.

He who would study constitutional law must look through the whole history of a people. Sometimes changes in a constitution are written by gleaming bayonets amid the flashes of musketry, and are promulgated by the deafening roar of artillery; but more frequently they are to be sought in the gradual uplift of the toiling millions, or in the steady expansion of commerce and increase of manufacture through the exertions of enterprising merchants and bold adventurers, or in the new development of the forces of nature under the genius of the inventor and the penetrating mind of the scientist. However brought about, they enter into the life and customs and laws of the people, and become the fundamental standard by which individual conduct, and legislative enactment, and official action are to be judged.

Not one of the nations of Europe started with a written constitution. In the course of their history many of them have found it advisable to adopt that mode of expressing their fundamental law. Still, the study of their constitutional history is not thereby rendered materially

different from what it would be had they never taken that course. The entire national life of a people forms a part of its constitution, and is necessary to be understood in order to be able correctly to interpret and construe the constitution, however that instrument may be expressed.

In the work here presented I have aimed to use only such portions of the history of any country as, in some way, bear on its Constitution or Government. I have no doubt but that many matters have been omitted which might with propriety and profit have been inserted. But no one work can contain everything, and each author must decide what to use and what to omit.

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DENMARK.

EARLY INHABITANTS.

OF the Scandinavian kingdoms, Denmark seems to have been the first to develop a nationality that has been preserved in history. Each of the three kingdoms has a mythological history that, for some purposes, may be both interesting and instructive, but its consideration forms no part of the plan of this work.

That the Kymri, and also the Laps, or tribes akin to the Laps, at one time occupied the Scandinavian peninsula, seems to be settled, and also that they were superseded by the Teutonic tribes. But as to the date when the Aryan race came into possession of these countries there is great diversity of opinion. Probably the original inhabitants, instead of being expelled, were, to a large extent, absorbed by their conquerors.

PERIOD OF CONQUEST.

The various tribes and clans which made their home in Denmark, and which had been forming and consolidating for centuries, were united in a single State, under the rule of King Gorm the Old, in the last half of the ninth century. From a very early day this country, with the other Scandinavian countries, had sent out piratical crews under

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vikings, with no purpose but to pillage and rob. But during the tenth century the kingdom had attained such standing and power that it undertook to make conquests of a permanent character, especially in England, and at the opening of the eleventh century it entered upon the career of foreign conquests in earnest. England, and subsequently Norway, came under the sway of its scepter as subject provinces, and the three kingdoms remained united under one rule until after the death of Canute in 1035. This king proved to be a wise ruler for all three kingdoms. By an agreement between Hardicanute, of Denmark, and Magnus the Good, of Norway, these two kingdoms were again united, from the death of the former, in 1042, to the death of the latter, in 1047. Canute's sons continued to rule England a short time after his death, but the English soon asserted their independence, and drove the Danes from the island.

EARLY CUSTOMS AND LAWS.

During most of the twelfth century the German emperors were claiming Denmark as a fief of the Empire; but, in general, the kings were able successfully to resist these claims. In Denmark, as in most European countries in the early stage of their development, the life and person of the individual had a fixed money value, regulated according to condition and rank. The ordeals of fire and water, which were in vogue as modes of trial till the middle of the eleventh century, were superseded by trial by arbitrators, which was introduced under Harold Hein. Further improvements in the laws were made by Waldemar II in the first half of the thirteenth century. The laws were first revised, reduced to something like a regular code, and published by Waldemar IV before his

death in 1375. The revolution of 1660 made an entire change of laws necessary, and a new code was prepared by a commission appointed by Frederick III, and published early in the reign of Christian V. Many of the barbarous punishments and practices that had been in vogue for centuries were abolished under Frederick VI, and great reforms were made in the administration.

IMPROVEMENT IN GOVERNMENT.

As the country developed, various forms of arbitrary rules were relaxed from time to time. In 1770, under Christian VII, an edict was issued giving full liberty to the press, with responsibility under the law for an abuse of its privileges. But in a few years this law was revoked.

At the opening of the eighteenth century Frederick IV did much towards establishing public schools and promoting popular education, which, up to that time, had been almost wholly neglected. His successor, Christian VI, followed his example in this respect. Early in the following century the common schools were greatly improved under Frederick VI. Attendance thereon was made compulsory, and normal schools were established to secure efficient teachers.

INTRODUCTION AND GROWTH OF THE CHURCH.

Christianity was introduced into the country early in the ninth century; but it was bitterly persecuted for a long time, and two centuries had elapsed before it had overcome its opponents. During the reign of Canute, paganism finally gave way to the teachings of Christianity, and, from near the opening of the eleventh century, Denmark ranked as a Christian nation.

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Canute the Pious, who reigned toward the close of the eleventh century, placed bishops on an equality with dukes and princes, established an ecclesiastical court, and enacted a law bestowing tithes on the clergy. Before the close of the twelfth century the Church had become rich, the higher ecclesiastics had grown both rich and immoral, and the power of the clergy had so increased that they became oppressive and dangerous to the State. The canon law had been introduced, which greatly strengthened the ecclesiastical power. Repeated contests between the king and clergy took place, and at one time the kingdom lay under an interdict for several years. Under several reigns the clergy shared with the nobility in the increase of power through royal concessions.

✓ In 1527, Frederick I issued a decree whereby liberty of religious belief was proclaimed. Any one was at liberty to adhere to Romanism or to accept Protestantism as he preferred. At the death of Frederick I, in 1533, the Protestant faith was the prevailing religion in Denmark, and in 1536 its supremacy was accepted, Romanism was suppressed, and the property of the Church was confiscated and applied to public or charitable uses, except in so far as it was seized on by the rapacious nobility. Since 1665 the Lutheran creed has been the State religion.

CLASSES AND CONDITION OF SOCIETY.

By the opening of the twelfth century the feudal system, in its completely-developed form, was fully introduced into Denmark, and produced here, as it has in other countries, the very extremes in the condition of the people. Before the close of the century the orders or ranks among the people, of nobles, clergy, burghers, and peasants, were fully recognized.

Under the feudal system there was developed a powerful and despotic nobility, under whom most of the common people were reduced to the condition of serfdom, and whose imbecile rule frequently brought the country to the brink of ruin. Occasionally a ruler would make some effort towards relieving the condition of the peasantry; but whatever beneficial effects were thus produced were soon destroyed by new impositions laid upon them by the governing classes. From the middle of the thirteenth century the peasantry, whose condition was then little better than that of slaves, began to be restive under the oppressive hand laid upon them by the clergy, the nobles, and the royal Government, and broke out into frequent revolts. The lower class was at this time in little better condition, for the commerce of the country was almost entirely under the control of the Hanseatic League.

After the confiscation of the property of the Church in 1536, and the recognition of Protestantism as the State religion, some steps were taken to recognize the rights of the common people; but there was little permanent relief. Some rights were also conferred upon them by Frederick III, after the change in Government in 1660, and their condition was temporarily improved. All of these improvements, however, were lost under his son and successor, Christian V, and during the next hundred years and more the common people were deprived of most of their rights. It is true that under Frederick IV the peasants were allowed to purchase their freedom, and thus gained the right to go where they chose. But these privileges were curtailed or taken away under the subsequent reign.

In 1784, under the Government of the Crown Prince Frederick, who was then acting as regent, and who subsequently became Frederick VI, a commission was ap-

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pointed under whose recommendation the Government relieved the peasants of most of the oppressive burdens under which they had so long labored. The right of the master to inflict corporal punishment was taken away, bond service was annulled, and the peasants were given a permanent right to the land they occupied. Subsequently a law was passed, which went into effect on January 1, 1800, relieving the vassal of all feudal bondage and making him a free citizen.

Almost from the time when the nobility had commenced to gain power under the sway of feudalism, frequent contests took place between them and the king; and had it not been for the fact that the royal supremacy had been long established, he might not have been able to cope with them. As it was, the royal power was frequently much in subjection to the feudal barons. Before the close of the twelfth century many of their powers and privileges had become hereditary in the nobility. On the accession of Christopher II, in 1319, he granted a charter conferring on both the nobility and the clergy still greater privileges than they had theretofore possessed. When Protestantism superseded Romanism, the supremacy of the aristocracy was attempted to be taken from them and their privileges curtailed; but their power continued very great, and they were still able to wrest from the king many of his prerogatives, and almost entirely to deprive the common people of their rights. The increase of power on the part of the nobility during the last half of the sixteenth and the first half of the seventeenth century, and their tyrannical oppression of the common people, led to the Revolution of 1660. The losses which the nobility sustained by this Revolution were only temporary. Christian V not only restored to them most of their old privileges, but granted them additional new ones.

PRINCIPLES AND MODES OF GOVERNMENT.

Like the other Scandinavian countries, Denmark was, from the earliest historic times, largely governed by the people, represented in some sort of a deliberative body. In many of the European countries of Germanic origin this body was known as the States; other terms were also used to designate it in different countries. In Denmark it was known as the Thing or the Moot. This popular assembly was composed of three orders, the nobles, the clergy, and the burghers. Probably, during periods of oppression, the rights of the latter class were not always recognized; but generally, in theory at least, all three orders composed the body and participated in its transactions. There were several of these bodies in the kingdom, each representing a portion that had formerly been independent. During the early centuries of the kingdom this body possessed full legislative authority, and also much of the power usually exercised by the crown. It not only had the right of declaring war and concluding peace, but also controlled the appointment of the great officers of state.

The executive power, to a large extent, resided in the Senate, a body of nobles appointed and presided over by the king. Except during times of usurpation, the king possessed but limited power. Until the Revolution of 1660, in theory at least, the right of electing, and, when necessary, of deposing the king, rested with the States. But not infrequently the contestants for the crown were possessed of so much power that the election was less regarded than the force which some aspirant brought to his aid in gaining recognition as king. Besides this, the general tendency to transmit power from father to son, and the great power acquired by some of the kings, re-

sulted in making the crown very nearly hereditary during a part of the time.

A division of the kingdom among the children of Waldemar the Conqueror, near the middle of the thirteenth century, greatly weakened the Government. A further grant of power to the nobility and clergy, some time after this, correspondingly weakened the royal authority, a dispute between the Government and the Church placed the kingdom under an interdict for several years, and as a result there were frequent civil wars; one king was deposed, several were assassinated, and a period of several years interregnum occurred. On the whole, the century following the death of Waldemar II, in 1241, was one of anarchy and misrule, and one in which the royal power was little more than nominal. At the close of this period scarcely anything remained of the royal domain, it having been lost in these contests or squandered on favorites and retainers.

The kingdom was again united under Waldemar IV, who ascended the throne in 1341, and the country started on a new period of prosperity. During his reign, however, in the middle of the fourteenth century, the population and prosperity of the country were greatly diminished on account of the Black Death which then ravaged that part of Europe.

On his death, in 1375, Waldemar IV was succeeded by his grandson, Olaf II, an infant but a few years old, whose father was Haco VI, King of Norway. On the death of the latter, in 1380, Olaf also succeeded him on the throne of Norway. The union of the two kingdoms thus brought about lasted four hundred and thirty-four years, and was only terminated by the forcible action of the allied Powers at the conclusion of the Napoleonic wars in 1814, detaching Norway from Denmark and uniting her with Sweden.

During the reign of Olaf his mother Margaret, daughter of Waldemar IV, acted as regent, and on his death, in 1387, she succeeded to the crowns of both kingdoms. Dissensions in each of the three kingdoms, together with a kind of claim on all the crowns through marriage and descent, added to Margaret's force of character and wise management, enabled her to bring about a union of the three Scandinavian kingdoms under her scepter through the Union of Calmar, in 1397. While all the kingdoms were united under one crown, each was to remain independent, retaining its own Senate, which wielded the principal part of the executive power, and also its own laws and internal administration. Although there was always dissatisfaction and disagreement, this union continued in operation till 1523, when Sweden succeeded in withdrawing and re-establishing her own separate Government under her own kings.

During the century and a quarter that the Union of Calmar was in force there was a general decline in the population, trade, and prosperity of Denmark. The king, nobles, and clergy were in almost constant conflict, and whatever either would do, even when for the general good, would be circumvented by the other orders. There was a constant tendency towards despotism, and, finally, the cruelties of Christian II were so great as to cause the Swedes to rebel, and he was forced to abdicate even in Denmark. After these events the conditions in Denmark began to improve.

On the death of Christopher of Bavaria, in 1448, the people asserted their ancient right, which had been but slightly recognized for a long time, of electing their king. A collateral descendant of Waldemar II, in the person of Christian of Oldenburg, was chosen. On ascending the throne he made a declaration acknowledging the supreme

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power of the Diet and limiting the power of the crown. The Oldenburg House, now brought to the throne, continued in direct line till the death of Frederick VII in 1863. This king, dying without issue, a collateral heir, Christian IX, was placed on the throne through the action of Denmark and the allied Powers.

A new declaration containing even stronger guarantees against royal assumptions of power than was embodied in that of Christian I, was made by Frederick I, on his election in 1523, after Christian II had been deposed.

The system of appanages, which had prevailed to quite an extent under the Oldenburgs, had a bad effect on the government of the country, and led to much trouble.

After the adoption of the Reformation and the confiscation of the estates of the Church, the power of the aristocracy became even greater than before, and the Government was practically in their hands. Through their arbitrary and unwise measures the kingdom was involved in a war with Sweden, and, as a result, lost the provinces she had held in that country. A National Assembly was convened at Copenhagen in 1660, to devise some means for relieving the people of the burdens under which they were suffering. The common people, having lost all hope of being able to compete with the aristocracy, and being exasperated by the tyrannical measures of the latter, united with the clergy in carrying a measure conferring sovereign and absolute power on the king, Frederick III, and making the crown hereditary in him and his heirs, male and female. The king was authorized, also, to pass the royal law, which he soon thereafter promulgated, declaring the king above all human law, and superior to all power except that of God. The Lutheran creed was declared the State religion, and the integrity of the kingdom was to be preserved. The right of the king, as head of the

Church, to regulate religious matters, was added to his authority to declare war, conclude peace, levy taxes, as well as to exercise full legislative and judicial power. In lieu of the Senate, its duties were now distributed among colleges having charge of the several departments of Government.

Other nations have had their right of government wrested from them by the strong hand of tyranny, but the student of history will hardly find another instance of a people possessing the right of self-government, including the power of choosing their own king, voluntarily surrendering all their political rights into the hands of one man. This despotic Constitution was not abrogated till 1831.

Notwithstanding the absolute power with which they were invested, the kings of Denmark were, in general, among the most mild, prudent, and considerate of any in Europe, and the code of laws by which the people were governed, for simplicity, clearness, and precision in defining their rights, had no superior in all the codes of Christendom.

In the general European war waged against Napoleon, Denmark took sides with France, and, as a result, was a great sufferer. But these matters need not be considered here; for they had no permanent effect on her Constitution or Government, further than to cause her to suffer the permanent loss of Norway.

CONSTITUTIONAL GOVERNMENT.

The demand of the people to be relieved of the despotic Constitution of 1660 was so great that, in 1831, Frederick VI so far complied with the popular desire as to grant some modifications of its harsh features. An as-

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✓ ssembly of notables was established, which was in some measure a representative Council. This was merely a deliberative, and not a legislative body. But the king promised carefully to consider all measures which this body recommended, and to enact such into laws as his wisdom should think best. This concession satisfied the people but a short time.

✓ Soon after ascending the throne in 1848, Frederick VII promised his people a free Constitution, which he at once set about preparing, and which was proclaimed in June, 1849. It was drawn on the most liberal principles, and under it the country has prospered and been contented.

The Lutheran is the State Church, and to it the king must belong; but all other modes of worship are freely tolerated. Free schools, supported by common taxation, are provided, and attendance between seven and fourteen years of age is compulsory. All able-bodied males over twenty-two are liable to eight years' service in the army, and an additional term of like extent in the extra reserve. Suffrage is practically universal. The Rigsdag—the National Diet—is composed of two Houses. The Lands-thing, the Upper House, consists of sixty-six members, part of whom are appointed for life by the king, and a part are elected for an extended term by municipal and other electoral bodies representing tax-payers. The ✓ Folkething, the Lower or popular House, contains over one hundred members, the number being based on population, who are elected for three years by universal suffrage. The Rigsdag is invested with very great powers. It meets annually on the first Monday in October.

A ministry, each member of which is absolutely responsible to the Rigsdag, presided over by the king, constitutes the Statsraadet, or State Council. No minister can be relieved, by pardon or otherwise, by the king, from his

liability to the Rigsdag. The ministry is required to submit its accounts to the Rigsdag for its action, and these form the basis for the levy of taxes.

Justice is administered through a series of local courts, with reasonable right of appeal to the Supreme Court at Copenhagen. Local jurisdictions, presided over by a chief, are established for administrative purposes. Below these organizations are counties, which are divided into hundreds. The Government appoints the mayors of municipalities.

In 1874, a charter was granted to Iceland conferring on its people a large amount of self-government.

NORWAY.

ORGANIZATION OF GOVERNMENT AND SOCIETY.

NOT much later than the time when Denmark was organizing her scattered clans into a more orderly Government, the inhabitants of Norway were brought under the sway of one strong arm. In the last half of the ninth century, Harold the Fair-haired made himself master of all the Norwegian tribes, and brought them to acknowledge one central Government. This result was not reached without many fierce struggles, and his conquests are said to have been the cause, or, at least, to have proved the occasion, for a large number of Norwegian princes, with their followers, joining in the ravages which the Northmen inflicted on the more Southern nations.

About the close of the tenth century, Haco the Good introduced Christianity into the kingdom, but it took three centuries for it to overcome paganism. Unlike the other Scandinavian kingdoms, Norway never adopted feudalism as one of her institutions.

At the opening of the eleventh century the Danes began making marauding expeditions into Norway, and in 1028 Canute, King of Denmark and England, displaced the Norwegian king, Olaf, and ruled this country as well as England, as subject to Denmark. He left his son Sweyn in charge of the Government of Norway at the time

of his death; but the son was not able to maintain his authority long after his father's death.

The Black Death, which raged in the middle of the fourteenth century, depleted the population, foreign wars exhausted their financial strength, and the monopoly which the Hanseatic League had established over commerce destroyed their trade, so that, in the last half of the fourteenth century, the prosperity of Norway had greatly declined.

CHANGES IN GOVERNMENT.

Through marriage and descent, the rulers of the Scandinavian kingdoms came to belong to one family. Haco, son of the King of Sweden, became King of Norway, and married Margaret, daughter of Waldemar, King of Denmark. A foreign prince having been elected King of Sweden, and then deposed, Margaret succeeded in getting the three kingdoms to adopt the Union of Calmar in 1397, by virtue of which they were to be united under one king, while, at the same time, each was to retain its separate national existence, independent each of the others, with its own constitution and laws, and the administration of its own affairs. Margaret thus succeeded to the throne of the three kingdoms. While in the meantime there was at least one change of dynasty, one king having been deposed and a foreigner elected in his place, the three kingdoms remained united a century and a quarter. But the oppression of Christian II, of Denmark, was so great that the Swedes made a successful revolt in 1523, withdrew from the Union, and elected their own king.

Notwithstanding the provisions of the Union that each kingdom should remain independent, and in the possession of its own constitutional rights and the administration of

its own laws, Denmark had the strength to maintain the ascendancy during the existence of the Union of Calmar, and Norway virtually lost her independence. The Norwegian nobility were crushed out and practically amalgamated with the peasantry, and thus no one was left having sufficient intelligence and strength to assert and defend the national rights. After the withdrawal of Sweden from the Union, Norway still remained united with Denmark. The reign of Christian IV, of Denmark, was the most popular and helpful of all the foreign princes who had ruled over Norway. He was the last king who took a personal interest in her welfare, and gave his personal supervision to the administration of her Government. Under his successors, Norway was treated as a conquered province. In 1814, without her consent, Norway was taken from Denmark and attached to Sweden.

As soon as the Reformation was fully established in Germany, it was introduced into Norway, where it was at once received and became a controlling force.

The original Government of Norway was similar to that developed in the other Scandinavian countries. Monarchy was not absolute, but had many limitations. The old elements of Teutonic tribal government were perpetuated in Norway in the Assembly of the nobles and representatives of the people, which formed a regular feature of its Government.

When the great Powers came to settle the affairs of Europe on the overthrow of Napoleon, they assumed to possess the right to do what they chose with the smaller Governments, without consulting their wishes. Russia having taken Finland from Sweden, and the latter being also required to surrender some other territory, as compensation therefor it was proposed to detach Norway from Denmark and give it to Sweden. When Norway learned

of this purpose of the Powers, she immediately took steps to frustrate their plans. A Diet assembled in the summer of 1814, adopted a Constitution, and elected the Crown Prince of Denmark King of Norway. But this action was not permitted to stand, and under the impressive influence of the bayonets of the allied Powers, and at the cannon's mouth, the union of Norway and Sweden into one monarchy was cemented in the latter part of 1814. But Norway obtained more privileges than the allies had intended to give her; for the Constitution which she had already adopted was left in force with few changes, and, while she was not an independent nation, she had more rights than she had enjoyed while united to Denmark.

The Constitution of 1814 has since remained in force, with some modifications made in 1869. While Norway is governed by the King of Sweden, he is to be crowned in Norway as king of that country, and is to spend a part of each year therein. The Lutheran Church is the established religion, and no one can marry or hold office who has not been confirmed therein. Other forms of worship are tolerated. The executive authority of the king is exercised through a Norwegian Council of State, whose consent is necessary to make war or conclude a treaty. The legislative department (the Storting) is divided into two Houses; the Upper House (Lagthing) has one-fourth of the members, while the other three-fourths compose the Lower House (Odelsting). The members are chosen by an indirect vote of the people possessing the required property qualification. The king has a veto on the action of the Storting; but this may be overcome by its action in three successive sessions. An ineffectual attempt was made by the king to procure a change of this provision; but the Storting maintained its privileges, and, in 1821, actually overcame the king's veto of an act whereby no-

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bility was abolished in the kingdom, and all citizens placed on an equality. The Storting has very general authority in Government, and the army can not be taken out of the kingdom without its consent.

Courts of Reconciliation, or Arbitration Boards, are provided in each parish, whose arbitrators are chosen by the parish householders. Other inferior courts and also a National Court of Last Resort, are among the tribunals established for the administration of justice.

SWEDEN.

EARLY CONDITIONS OF SOCIETY.

THE semi-mythical contest between the followers of Odin—the Swedes—and the Goths, who had largely displaced the Laps and Finns, will be left for the antiquarian to give an account of and explain, as also the earlier dynasty or dynasties of kings, under whose savage rule the discordant elements began to assume shape, and to acquire the properties of government. Christianity was introduced into the kingdom in the tenth and eleventh centuries, and had its influence in civilizing the rough heathen. Before this time there is nothing in Swedish history which seems to be of controlling influence on her subsequent development.

From the reign of Waldemar, son of Earl Berger, who obtained the crown in 1250, Swedish history becomes authentic, and much of it worthy of preservation. During these early centuries the most cruel wars were almost constantly waged by one tribe against another, and the most ferocious conduct was the common practice of the people. But amid this barbaric life there was a kind of liberty, which, if not ideal, may be accepted as the substance out of which was evolved a higher civilization.

Scandinavia had a different experience from Southern Europe. In the South, Rome had established her sway,

and when the country was conquered by the barbarians, as a general thing, the inhabitants became slaves, or an inferior peasantry. They were subjected to the most menial employments, and whatever they did was by their conquerors considered degrading. Thus agriculture, as well as other employments, became a proscribed occupation, which no one could pursue without defilement. But in the North, where the people had not been in subjection to Rome, the conflicts which took place were between barbarians on both sides, and the vanquished did not become the slaves of the victors. Under these circumstances no such inferior peasantry was produced as in the South. Here agriculture and other kindred employments remained honorable because not performed by a subject race, but by conquerors and conquered alike, who mingled as one people on the termination of the struggle.

It is true there were slaves in Sweden; but they were few in number, and comprised those taken captive in foreign wars, those that were condemned to slavery as a punishment for some crime, and those who voluntarily sold themselves into slavery because of some temporary want; for there were some people of this latter class in nearly every country. Whatever slavery then existed was abolished by Magnus Ladulas before the close of the thirteenth century.

In all probability it is, at least in part, because of conditions referred to above that Sweden always had a vigorous and honorable peasantry. This country presents a contrast to all others in the fact that here the peasantry formed a distinct order in government, its representatives being the fourth order in the States. More than one-half of the people belonged to the peasant class, and in recent times they have been absorbing a large part of the landed property of the kingdom.

Feudalism was always, during its general sway, in vogue in Sweden; but its more objectionable features did not have the hold here which they acquired in many countries. The nobility, which was a recognized order from the earliest times, possessed at one time about one-fifth of the land in the kingdom, and had great power and influence. But it experienced many vicissitudes and changes of circumstances, sometimes possessing great authority, and at other times almost reduced to the condition of the peasantry. The pride of the nobles would not allow them to engage in trade or commerce, even when in the greatest want; consequently, when they lost their power and their property, their condition became most wretched. In 1866 all exclusive political power was annulled, and the nobles were thereby placed on a political equality with other citizens. But the real nobility still exercises, as it always must, the chief influence in the State. Primogeniture never prevailed in Sweden, but the inheritance went to children equally. The application of this principle to the possessions of the king, as well as to all others, was often ruinous to the royal family and detrimental to the Government.

THE CROWN AND SENATE.

From the earliest times down to the sixteenth century the crown of Sweden was, in theory, elective; but generally, unless there was reason for a change, the next heir succeeded on the death of the king almost as regularly as in those Governments where the crown was hereditary. The king was not only elected, but also might be deposed by the Diet, when his reign was of such a character as to require it.

Next to the king in position, and usually in power, were the senators. The Senate was composed of a small

number of nobles, appointed by the king; but, when once appointed, the members were removable only by the Senate itself or the Diet. At times great power was acquired by or conferred upon this body, while at other times it was shorn of most, or all, of its authority. It was advisory to the king, and on some questions he could act only with its consent. At times it possessed the power of levying taxes, of convening the Diet, of enforcing the laws, and to its keeping was intrusted the custody of the laws.

THE DIET.

The States of the kingdom, or Diet, consisted of four orders,—nobility, clergy, delegates of the burgesses or citizens of towns, and representatives of the peasantry. Each order deliberated by itself, and was presided over by an officer appointed by the king. The head of each noble family had a right to a seat in the Diet, and, as they were numerous, if all had attended they would have constituted a very large chamber, perhaps a thousand or more; but generally not more than one-half were present. There were but few of the ecclesiastics; the bishops and some others were admitted of right, while others came as representatives. Neither of the other two orders was largely represented; one, two, or three delegates represented a town, according to its importance; for various reasons the peasantry sent but few representatives.

By immemorial usage the power of the States was very great. To them belonged the choice of the king, and his deposition, if they deemed his conduct justified and the good of the kingdom required it; they also possessed the power of making war and peace, and had full legislative authority.

MATTERS RELATING TO ROYALTY.

With an elective crown, a Senate of nobles having the custody and the execution of the laws, a Diet with almost unlimited legislative power, one can hardly think that such a free, vigorous, and enlightened people as were the Swedes would allow themselves to become the prey of tyrants and the servants of despots. But such is the anomaly of history.

It was the purpose of Magnus Ladulas to curb the power of the nobles and to develop in his kingdom a better Government. To accomplish this, a settled revenue was necessary to meet the expenses of the Government. He secured from the Diet a grant of the proceeds from mines, the lakes, and the rents of certain crown-lands. He then proceeded to reform the Government and improve the country. To reduce the power of the nobles he commenced the practice of introducing some foreigners into the Senate. Magnus, at the close of his reign, left the country in a much better condition than he found it.

To avoid the evils of a contest between the descendants of Magnus, the States finally called to the throne Albert, Duke of Mecklenburg, but he proved more cruel and oppressive than any of his predecessors. To rid themselves of his despotic rule, the States applied to Denmark for aid. At this time there was a family relationship, by marriage and descent, in the royal families of the three Scandinavian kingdoms. Margaret, Queen of Denmark, induced the authorities of Norway and Sweden to unite with those of Denmark in the Union of Calmar in 1397, whereby they all accepted one crown, with Margaret as queen of the united kingdoms. Each kingdom was to retain its own constitution and laws, and have its separate administration

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of government. This Union was maintained a century and a quarter.

The rulers of Denmark occupying the throne, it was not difficult for that kingdom to maintain an ascendancy in the Union. Denmark used her position and authority in trying to crush out the Swedish nobility, depriving them of power, arbitrarily levying taxes on the burgesses and peasantry, and at the same time so to favor the clergy as to unite them to the Government. As a consequence, the people were divided into factions and deprived of their strength. At different times the Swedes made attempts to regain their ancient privileges. Some two or three times they raised to the throne, and then deposed, their grand marshal. The massacre of the entire Senate and a large body of the nobility by Christian II exasperated the nation, and his cruelties were so unbearable that Denmark, as well as Sweden, arose, and he was deposed. Sweden now refused to receive any more Danish rulers, withdrew from the Union of Calmar, and elected a native king, Gustavus Vasa, who had headed a revolt against the foreign rule. This was in 1523. Frederick, King of Denmark, anxious to maintain his authority in his own kingdom, did not care to engage in a war with Sweden, and so entered into a treaty of alliance with Gustavus, who was thus freed from anxiety from that quarter. The Swedish nobles, having been mostly driven out or crushed by the Danish kings, were in no condition to render opposition to the royal will. The clergy, by their support of the Danes had rendered themselves so obnoxious to the nation that they were glad to regain, in a measure, their standing by an ardent adoption of the Reformed religion, which Gustavus had introduced into his kingdom soon after acquiring the throne.

Gustavus now found himself one of the most powerful

monarchs in Europe. All the powers of the State seemed in harmony with him, or under his control. By a vote of the States, the Constitution was so changed that in place of an elective crown, as had prevailed from the organization of the kingdom up to this time, the crown was declared hereditary in Gustavus and his heirs. Thus had the foreign yoke been thrown off, and, at the same time, the Constitutional character of the monarchy had been changed from elective to hereditary. Notwithstanding this change, the principle of controlling the succession to the crown was so old and so firmly fixed in the hearts of the people that, after Gustavus's death, the States were able successively to depose his two sons, Eric and John, and then elected a third one, Charles, to the exclusion of John's son, Sigismund, who, according to hereditary rule, should have been given the crown.

Against the aggressive forces of royalty which had gained so much strength under Gustavus, there was now a turn in favor of the people. The States had just successfully asserted their right still, measurably at least, to control the succession to the crown, notwithstanding the hereditary character that had been given it. In order to secure the succession of the crown to his son, Charles IX, whom the States had placed on the throne, was anxious to please the States, and was willing to restore some of their ancient rights, and also to restore the Senate to its old position in the Government.

Under the patronage of Charles IX, the long absence on foreign wars of his son, Gustavus Adolphus, who succeeded him, and the minority, during the early years of her reign, of Christina, daughter of Gustavus and his successor on the throne, the aristocracy were about to acquire that absolute authority which the crown had so recently lost. Christina inherited the crown on the death of her

father in 1632, when she was but six years of age. Under the regency of Oxenstiern, her father's chief minister, Christina's reign was to witness important Constitutional changes. The regent proposed to the Diet, and the States voted, that they should thereafter consider no question which had not first been referred to the Senate in writing by the king or the regency. Why the other three orders should have joined with the nobles in conferring such authority on the aristocracy, is not easy to see. This action led to such dissension between the orders that, to avoid an oligarchy, the three inferior orders lent their aid to confer almost unlimited power on the crown, even at the risk of the liberties of the nation and the sacrifice of their own right to participate in the Government. Through such methods it came about that Queen Christina, on attaining her majority, found herself possessed of nearly absolute power in Government, and when she abdicated, in 1654, a like power was transmitted to her successor, Charles X.

On the death of Charles X, in 1660, the States, desiring to reassert their lost power, assumed to remove the regent and guardian whom he had appointed over the kingdom and his minor son. When the latter attained his majority and assumed the crown as Charles XI, the States required of him an oath that he would preserve and respect the laws and protect the rights of his people. Disregarding his oath, Charles XI became one of the most despotic of rulers. He subverted the power of the States, and made the Senate an instrument to assist in carrying out his own tyrannical measures. He arbitrarily levied taxes on the burgesses and peasants, while allowing the nobility to escape their share of the public burdens; and in various ways he showed that no power but royalty would be recognized. The burdens thus laid on the burgesses and peas-

ants were unbearable, and to escape therefrom they procured the passage of an act to allow the king to resume the control of all the crown lands alienated since 1609. By the execution of this order, the nobility were nearly ruined; not only were they unable to exert any power in the Government, but they were actually in want. In addition to the authority granted the king to resume the crown lands, the two lower orders, intent on rendering the nobles absolutely powerless, followed the example recently set them by the populace of Denmark, and passed another act granting the king absolute power, and the right to change the Constitution and form of Government at his will.

The sovereign power thus surrendered by the people to Charles XI, and exercised by his successor, Charles XII, came back to them on the death of the latter without issue in 1718. The States assumed the right to direct the succession of the crown. Passing by the older sister of the deceased king, and her husband and their children, and lest they might make the claim that they held the crown by inheritance and not by election, they bestowed it on Ulrica Eleanora, the younger sister, on her declaration that she made no claim to it of right, but accepted it wholly as the gift of the States; and also she further declared that she renounced all prerogatives of the crown inconsistent with the people's liberties. Taking advantage of the situation, the States passed an act providing that, if they were not convened by the king or the Senate within three years from the adjournment of the last Diet, they might assemble of their own will; that during their sessions the authority of the king and Senate should remain suspended; that the States alone should possess the authority of declaring war, making peace, and changing the standard of money; that the Senate should be filled

by the king from nominations presented by the States. To enforce and carry out their rights thus declared, the States appointed a secret committee possessing both executive and judicial powers.

Ulrica Eleanora dying without issue, the States chose as her successor Frederick II—Frederick Adolphus of Holstein, Bishop of Lübeck. During his reign the power of the aristocracy gained the ascendant in Government, and was almost unbounded. The Senate and court party were wholly under the influence of French gold, working in the interest of that party rather than their own. Failing in securing her end through the nobles, France sought to raise the power of royalty at the expense of the nobility and the destruction of the Senate. At this time the Senate seemed alone to have possessed the power of convoking the States in extraordinary session.

Frederick Adolphus had no desire to change the Constitution, but, apparently unconsciously, allowed himself to be governed by French influence, which was pitted against the combined efforts of England and Prussia for the control of Sweden. However, during his reign sovereignty remained in the hands of the States.

When Gustavus III came to the throne, in 1771, he found the order of nobility in a serious conflict with the burgesses and peasants. Gustavus commenced his reign with the full purpose of making royalty supreme. To this end he assumed a disinterested neutrality between the contending orders, and secretly used his influence to retard rather than to accelerate the business of the Diet. By such delay in the business he hoped the dissensions might grow, and that the people would become disgusted with both sides on account of their failure to provide for the public needs. Few monarchs have more adroitly managed the governing bodies of their kingdom, including the

army and also the people over whom they ruled, in order to inaugurate or carry out a despotic measure, than did Gustavus III in the revolution he planned and carried out in 1772. He brought every department of Government to assist in the creation of a despotism which one would naturally suppose all would resist to the full extent of their power. After bringing, in an incredibly short space of time, the whole nation under his absolute control, Gustavus immediately assembled the States, not in separate orders but in one body, surrounded by the army, with cannon covering the hall where they were assembled, and announced to them the Constitution he had prepared for the kingdom, and asked them if they approved it. An affirmative answer under such circumstances can hardly be taken as an enthusiastic indorsement of absolutism. The senators took the oath of fidelity while still under arrest.

When Gustavus became king, a year before, full sovereignty resided with the States. In their keeping was the power of war and peace, the making of treaties and the raising of revenue, the determining of the time of their own meetings, and the length of their sessions. In three days' time, in August, 1772, all this was changed, and a monarch who, at his coronation, could hardly have possessed less power than at that time belonged to him, had made himself absolute master of the State. The Constitution thus imposed on the nation by Gustavus III contained a number of provisions which, if carried out in a liberal spirit, might have given the kingdom a somewhat representative Government; but the value of this was all destroyed by other provisions. While the king convoked the Diet on two or three occasions, they were not permitted to transact any business prior to 1789, when he secured from them the passage of what was termed an act of safety, whereby the Senate was abolished and additional

powers were given the king, or, perhaps more properly stated, an approval of powers he had been exercising was secured.

CONSTITUTIONAL GOVERNMENT.

More or less influence was exerted in Sweden by the conflicting opinions engendered by the Napoleonic wars, and during their progress, in 1809, a fairly liberal Constitution was promulgated, which, with a number of modifications since made, is still in force.

The Lutheran Church is the State religion, and its members possess many advantages over members of other Churches, although all denominations are tolerated. Since 1870 the marital rights of dissenters are respected as they had never been before. Education is free and compulsory.

The crown of Sweden and Norway, since their union in 1814, is hereditary in the male line of the reigning house. The king is head of the Lutheran Church, of which he must be a member. He may also, if he chooses, preside in the Supreme Court. He possesses all the executive and sovereign powers usually belonging to a monarch. The administration is conducted through a Council of Ministers, who are responsible for the acts of the Government, and with whom the king is bound to consult; but he is not required to follow their advice. If the king violates the Constitution, the ministry must protest or be held to answer before a high court for their failure of duty. The king has an absolute veto on all acts of the Diet.

The judicial power of the kingdom resides in a series of courts varying in jurisdiction and rank, from the petty courts throughout the kingdom, of which the clergy are frequently the magistrates, and in which all minor civil and criminal cases are tried, to the Supreme Court. There is a Royal Military Court, a High Court of Admiralty,

three Royal Courts sitting in important commercial centers, all subordinate to the Supreme Court, consisting of sixteen judges, and in which the king, when present, presides.

Prior to 1866 the Diet consisted of four orders, which have already been named; but in that year a Constitutional amendment was adopted providing for a Diet of but two Houses, an Upper and a Lower Chamber. Members of the Upper Chamber are elected by an indirect vote, those from cities by the municipalities, and in the country by Provincial Assemblies. But a very limited number of Swedes are eligible to the Upper House, whose membership is one-third that of the Lower House.

The Lower House consists of about two hundred members, elected by a direct vote of the people, and most of the electors are eligible to a seat in this body. The Diet assembles the middle of January of each year, without special convocation. The presiding officers of both Chambers are appointed by the king. A procurator general to superintend the execution of the laws, a committee to watch over the liberty of the press, another committee to inquire into the merits of the members of the Supreme Court, are appointed by the Diet. The rights of the nobility can only be altered or abolished with their consent, expressed in a general assembly of that order.

The principal changes made from time to time in the Swedish Constitution, briefly stated, are the following: In the time of Gustavus Vasa, in the sixteenth century, the crown, which up to that time had been elective, was made hereditary, and at the same time the royal power was greatly strengthened; the establishment of aristocratic rule during the absence of Gustavus Adolphus and the minority of Christina, before the middle of the seventeenth century; the acquisition, in practice, of absolute power

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on the part of the crown, in the time of Christina, about the middle of the seventeenth century; the regaining of full sovereignty by the States at the opening of the reign of Charles XI, early in the last half of the seventeenth century; the re-establishment of full royal supremacy by Charles XI, and its enlargement to a point never before known; the restoring to the States of their ancient rights at the accession of Ulrica Eleanora, and the reduction of royal power to the lowest degree; the Revolution of 1772 restored to the crown unlimited power; the restoration of Constitutional Government in 1809; the abolition, in 1866, of the four orders of which the States had been composed, and in their place the substitution of a Diet composed of two Houses.

RUSSIA.

ORIGIN AND EARLY CUSTOMS OF THE PEOPLE.

THAT the territory comprised in the Russian Empire has been peopled by a number of different races, and that still more wandering tribes traversed its plains and pillaged its inhabitants, hardly need be stated. If, as many authorities hold, the Slavs are the same people as the Sarmatians, mentioned by Greek and Roman writers as inhabiting this territory, they must have settled here at a very early date. But as to when they first made their appearance, or as to what people they found in possession of the country when they came, or as to what conflicts they had in order to gain and hold the land during the early centuries of their occupancy of it, does not greatly concern us. As far back as we have definite authentic history the Slav was the dominant race in Central Russia, and in the course of their history they have furnished the current that has been the controlling force in the blending of bloods which has assimilated and absorbed into the Slav family many foreign races with which they came in contact.

The early Slavs were less warlike than most of the barbarian hordes which overran Europe. Neither their organizations nor their implements indicate military inclination or training. Throughout all their history their prin-

cial occupation has been agriculture. From the earliest times down to our own day the lands adjacent to or dependent on a village have been held by the commune for its inhabitants in common. Only the house and its inclosure belonged to the family. Every few years the land in general was assigned to the various members or families of the village, each occupying and cultivating the part so assigned till the next division. This primitive custom, though practiced in early times by other nations, was soon surrendered by most of them for individual ownership, the Russians alone continuing in modern times the practice of their early ancestors.

The Slavs were extremely barbarous in their practices. Polygamy was the common custom, and the marriage tie as we understand it was almost unknown among them for many ages. Their religion was as demoralizing as that practiced by any of the Northern nations, and there was nothing in their mode of life which had a tendency to elevate or refine their manners.

ORGANIZATION OF THE FAMILY AND GOVERNMENT.

The patriarchal idea prevailed in the family, and extended through all the departments of the Slav Government. The father, or, in case of his death, the oldest member of the family, was absolute head of the household, and was as despotic in his rule as was the chief of the State. His authority extended over all who came into the family, and was not confined to his own children.

The primary subdivision of government, the commune (mir), was but the family and its government extended. The cluster of families, which had, in the main, sprung from a common ancestor, with any others who may have gained a settlement among them, formed the most primi-

tive department of government, and was subject to the elders of each house, who exercised their authority in Council (Vetché). This local Council continued for centuries to form an important feature of their government. Several communes formed the Canton (Volost or Pagost). Selected elders of the commune became the rulers of the Canton; and one, on account of hereditary right, age, election, or through some other means, was recognized as chief of the Canton.

There was no permanent union of the Cantons. In times of danger a temporary union was sometimes effected, and all could be induced to submit to one chief; but as soon as the danger had passed, the union was abandoned. Tribal unity, or anything approaching organized government, was foreign to the Slav conception. The principles of government had to be gained from foreigners.

At the beginning of authentic history we find among the Slavs a number of tribes or unions of some kind, with greater or less extent of territory and more or less advancement in their organization and development. The city of Novgorod had probably been founded some three centuries before Rurik's advent, at which time it was the capital of the Republic bearing its name. This Republic was, perhaps, the most powerful, wealthy, and enlightened of all the governments or tribes in the Slavonian territory; but there were others of power and influence which need not be mentioned here.

EARLY LOCAL INSTITUTIONS.

Perhaps the sources of information in reference to early Russian history are not such as to justify one in speaking with as much confidence concerning her local affairs as he might do respecting those of some other

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countries. However, the following facts and conclusions seem to be borne out by authentic history.

The Republic of Novgorod, if not the first, was, at least, one of the first of Russian principalities to attain anything like a settled and orderly government. It is probable that its local government was more regular, and its observance of ancient customs more consistent and uniformly adhered to, than was the case in provinces where wealth had not been accumulated, and which had not enjoyed the advantages following in the train of commerce, and which had, consequently, been less far removed from the effects of barbarian practices. Therefore, we can hardly expect that its history would be fully repeated or reproduced in the history of any other province were we able to record such history as fully as we are that of Novgorod. Nevertheless, we may be sure that, in studying the history of this ancient Republic, we are becoming acquainted with those laws and customs which substantially prevailed throughout the Slavic dominions.

That measure of personal and local liberty which may exist in a patriarchal form of government seems to have been fairly well preserved in Novgorod. If not supreme power, at least a large degree of power, was lodged in and wielded by the Vetché, or local assembly, as well after as before the arrival of the Varangians from Sweden. This Council sat with the Variag prince in making the levy of taxes, and in determining other questions of which the prince had cognizance.

While the Drujina was the military force on which the prince relied, especially in conflicts with outside armies, the Slavic militia was still maintained and performed its functions in local administration. The chief magistrate of the Republic was the *posadnik*, who had extensive authority, and was chosen by the Vetché from some influ-

ential family. It was his duty to maintain the civil privileges of the Republic, command its forces, conduct its diplomacy, assist in the administration of justice, and generally to perform the duties of a governor. The tuisatski was the military chief, or colonel, in charge of the militia, and, in addition, had duties connected with a tribunal for maintaining the rights of the people. Besides these officers, there were others charged with various duties in different districts or departments of the city.

The Vetché elected, and, when necessary, accused and expelled the prince, elected and deposed the archbishop, declared war and concluded peace, sat in judgment on State criminals, besides performing the general legislative duties of a council. The decision of the Vetché had to be by unanimous vote. Majority rule was only secured by throwing into the river those who persisted in forming a minority, whether large or small, and this was sometimes done. The Vetché could be convoked by the prince, the posadnik, the boyars, or the people. Sometimes local councils of notable citizens discussed important measures before they were submitted to the General Assembly.

The judicial power was shared by the prince and posadnik, and the judgment of this court could not be reversed by the prince alone, nor could he remove the suit out of the province. A mixed court determined questions between the Varangians and men of the city. The Constitutional power of the prince was limited; his political and judicial functions, as well as his right to collect revenue, were strictly defined. He was entitled to the fines imposed and the revenues received from commutations for crime. He was required to take an oath to observe the laws and privileges of the Republic. Among the inhabitants there was great inequality. The boyars had grown into a powerful and an influential aristocracy. There was also an in-

ferior nobility, and below these were the merchants, citizens, and peasants.

On being elected by the Vetché, the archbishop was installed at once without waiting for approval of the metropolitan. He was, perhaps, the chief personage in the Republic, his name appearing in public documents before that of the *posadnik*. He was required to be both a Slav and a native of the Republic. Ecclesiastical and secular affairs were mingled, laymen taking part in the former and churchmen in the latter.

Most of these rights and privileges of the Novgorod Republic were probably acquired at an early time in its history, and were of gradual growth and development, and not the gift of any official person or body. It is recorded that Grand Prince Iaroslaf, in the first half of the eleventh century, granted the Republic a charter conceding its right to choose its own prince; but, of course, this choice must be from among the princes of the royal family. In the middle of the fourteenth century Simeon the Proud, as supreme head of Russia, confirmed the liberties of the Republic. And it is not improbable that other of the grand princes who wanted to gain complete control in the Republic may have deemed it more politic to win their obedience by conferring favors rather than by force. About the opening of the fourteenth century the princes of Moscow began to claim jurisdiction over Novgorod, as well as over other principalities for which they were contesting with other princes in the Empire. A compromise was usually effected with the Republic whereby she accepted the prince named by the Muscovite ruler, but on such terms and conditions as the Republic dictated.

As has so often been the case in other Republics, dissensions broke out, especially among the aristocracy, in Novgorod, and the natural result followed,—the Re-

public lost all its liberties and became entirely subject to the Grand Prince. The Republic did not surrender its privileges easily; several contests and long negotiations took place with Ivan the Great; but in 1470 the city agreed on paying an indemnity. In 1475 the Grand Prince came and sat in judgment, and caused many of the noble prisoners to be removed to Moscow for trial, which was a violation of their ancient privilege, which no prince had ever before attempted. In 1478 the city was taken by force, and, while the ancient jurisdiction of the Republic was, in name, preserved, its Vetché and posadnik were forever abolished; the Republic ceased to exist, and from this time passed completely under the control of the Grand Prince of Moscow. For a long time Novgorod had been one of the most wealthy and powerful commercial cities in the world. It had a population of from three to four hundred thousand souls, and a commerce which extended to all parts of Europe and the East. Ivan the Great was not satisfied with its conquest, but attempted, and practically secured, its destruction. With its liberty it lost its commercial supremacy, and naturally died.

Of the other Republics, one or two retained some liberty a few years longer, but in 1510 the last one was made subject to the absolute rule of the Grand Prince.

During the period of which we are speaking towns were governed by waywodes, nominated by the prince, or by a starosta (mayor), always a gentleman, elected by an assembly of the inhabitants. The district depending on the town was governed with it. Citizens were not allowed to quit the town without permission; for it was from them that taxes were collected, and their absence would make the payment harder on those remaining. The taglo was paid by the town collectively, according to the number of fires.

RANK AND CONDITION OF SUBJECTS.

After princes of the blood, boyars were the highest rank of Russian nobility. The existence of this order dated from an early period in the history of the monarchy, and probably had its origin in the Varangian Drujina, from which the first princes selected their chief officers, both for their immediate service and for the government of provinces or outlying districts. It was natural that persons intrusted with such responsibilities, and on whom such favors were conferred, should soon grow into a sort of aristocracy. It soon became the custom to confer on these officers at the time of their appointment, if it had not previously been done, hereditary titles of nobility. The rank of this nobility differs according to the positions they filled. Undoubtedly titles were also granted for special services and to special favorites. The boyars were not long in acquiring a degree of power in the State which placed them above any control except that of the Grand Prince, and frequently enabled them to dictate terms to him. At different times the emperors attempted to reform abuses that had grown up in the ranks of the nobility, to provide against their being a menace to the State, and to make them efficient in the administration of the Government. The rank one held was considered a matter of the greatest consequence, and to allow an infringement of one's rank was to disgrace the whole family, ancestors and descendants alike. A noble would not accept a Government position where he was the subordinate of one whose ancestors had held positions inferior to those held by his ancestors. The contentions in reference to rank went to such an extent that Ivan IV prohibited all disputes as to precedence by any persons other than the

heads of noble houses. In the last half of the seventeenth century, Feodor III succeeded in gaining possession of the books or rolls of ancestry showing titles and rank in service, and, instead of making corrections therein, as he had represented was his desire, he burnt them. He then made new rolls, but the order of precedence on account of the position their ancestors had held, was omitted, and that distinction was abolished.

Peter the Great divided the nobility into two classes, the old, and those who gained rank by service, and decreed that thereafter every person accepting or bearing a title should be at the disposal of the Government until his death, so far as rendering service was concerned. This, of course, caused much complaining and great dissatisfaction on the part of those who wished to enjoy privileges without rendering service. This edict remained in force till 1762, when it was revoked by Peter III. In his efforts at reform and to make the nobility of service to the State, and their position an honorable one, Peter I established common and corresponding grades in the various branches of the service, including the army, the navy, civil, court, and Church, so that persons rendering service in any branch should receive the same advantages as those performing like duties in corresponding grades in other branches.

The Russian nobility have always occupied a position of power and influence. Many edicts have been promulgated regulating rank, services, privileges, and other questions connected with their position, but never reaching a result that was wholly satisfactory. In 1809, Alexander I made an attempt at improving the condition of the nobles and adding to the quality of those admitted into their ranks. Provision was made for those holding university

degrees to receive certain advantages when seeking service in the State and rank among the nobility, but the measure proved a very unpopular one.

The condition of merchants, traders, and business men in cities and towns did not differ greatly from that of such classes in other countries. In the early period of the monarchy those engaged in commerce, as well as the nobility, largely came from the ranks of the *Drujina*, for there was no safety in commerce unless protected by an armed force, and those bands of soldiers frequently undertook commercial ventures on their own account.

The rural population was divided into several classes, the most favored of which were the free cultivators of the soil, who could change their location and their masters at pleasure. However, from various causes, partially because of the unremunerative character of agriculture, there was a constant tendency for members of this class to sink to the condition of those lower. The rural population were mostly of the peasant class. Among this class the primitive Slav customs prevailed in all their rigor. The commonalty in the land was held by the commune, which exercised arbitrary authority in all matters within its jurisdiction. The head of the family was as much of a despot as was the czar. There was very little civilization or religion among the peasant class; even after the introduction of Christianity, they were still barbarous and pagans. The clergy, to whom was confided the religious instruction of this class, were ignorant and, to a great extent, immoral in their own lives, were poorly paid, and were of very little aid in the elevation of the peasantry.

Near the close of the sixteenth century Feodor issued an edict binding the peasants to the soil, and forbidding them going from one estate to another. This was after-

ward modified so as to only apply to large estates, thus permitting peasants working for lords having small estates to change and go to masters of like rank. But with the policy prevailing making their existence a part of the soil they cultivated, changes would grow less and less frequent. Several different edicts bearing on this question, usually making the condition of the peasant still more intolerable, were issued by different emperors. The edict binding the peasants to the soil was an act of State policy to prevent the ruination and extinction of small proprietors. Land had no value except for actual cultivation. The Government revenue was largely supplied from the tax paid by these landlords, and the army was almost entirely recruited from their ranks and the retainers in their service. It was to the interest of the Government, as well as of the landlords, to have this class increase and prosper. As the large landowners could offer better inducements for servants than could be given by the smaller ones, there was a constant temptation for those employed on small estates to leave and go to larger ones, or else to become roaming bands without employment, and paying no taxes. To prevent such results, the czar issued this edict, and hence the great body of peasants became serfs.

Below the class of peasants there had always been a comparatively small class of slaves. This class was, in the main, originally composed of those who had been taken captives in war. But here, as in many other countries, this number was increased from several sources. Some persons willing to sacrifice all personal liberty for an assurance of being provided for, voluntarily sold themselves into slavery. A large number came from the debtor class; for under the severe laws then in force a creditor might, under certain circumstances, sell a debtor and his family

into slavery. Where this right existed at all, it was almost sure to be abused, and many were sent into slavery who could not legally be placed there. After the establishment of serfdom by Feodor's edict, there was little difference between the condition of the serf and the slaves.

Various efforts were made by a number of the czars to ameliorate the condition of the serfs and slaves. Peter the Great issued an edict prohibiting their sale so as to separate families; but this edict was never strictly observed or enforced. Something was done by his successors toward bettering their condition, and yet with no direct object of eradicating the evil. The condition of the crown peasants was much better than that of those on the estates of the nobles. Alexander I prohibited the transfer, either by sale or gift, of any more of the serfs on the royal domains, to any subject. He also renewed the prohibition of Peter I against separating families; but still the evil continued. Alexander also sanctioned the practice of contract between the owner and the serfs whereby the latter might gain their liberty. Those thus obtaining their freedom went into the class of free cultivators of the soil, and helped to form that growing class which, in other countries, is known as the third estate. Under the reign of Alexander I many of the nobility commenced to make provision for the gradual emancipation of their serfs, thus anticipating an event which they saw coming, and, by preparing in advance, they escaped many of the inconveniences of an immediate emancipation.

Notwithstanding the arbitrary character of Nicholas, he encouraged the practice of freeing the serfs through the various means then in vogue, and of thus increasing the number of free cultivators of the soil. Nicholas also attempted to regulate and improve the workings of the peasants in rural communities by making suffrage uni-

versal, so far as it affected their local government, introducing the practice of voting by means of black and white balls, and, in general, to secure to each a part in the communal Government.

When Alexander II came to the throne, in 1855, the opinion very generally prevailed that the time had come when slavery must be extinguished. Alexander declared to his nobles that it was better for reforms to come from above than from below. He proceeded gradually, appointed committees to investigate and report, and finally succeeded in bringing the body of the nation to acquiesce in, if not fully approve, his plan of emancipation. At first he freed the crown serfs, and finally, early in 1861, issued an edict of general emancipation. Not only were the serfs emancipated, but liberal provision was made for their acquiring property, and for their having self-government. Each serf was given a small quantity of land, so that, on attaining their freedom, they all became landholders, or, rather, the land was held under the old Slav rule by the local commune for the benefit of the members in common. This insured their gradual advancement and their attaining a condition of independence.

In government they were made measurably free from the dictation of their former masters. The ancient mir, or commune, was not only left in operation among them, but was given added force. It had surveillance of its members, with complete police powers. It had a mayor of its own selection, justices of the peace with full authority to decide all cases of dispute between its members, and, in the election of these officers, none but the members of the commune could have a voice. The volost, or district, composed of several communes, had its own tribunal to which appeals could be taken from the justices of the peace, and a Municipal Assembly charged with oversight

of the interests of the several communes within its jurisdiction.

FIRST LINE OF KINGS—THE VARANGIANS.

Among the conflicting claims of different authors, I adopt as the one seeming to me the most probable and the best authenticated, the account which derives the Russian name and Government from Scandinavia. The Norse pirates, who, in Western Europe, were designated Vikings, had their counterpart in the military organization known as Variagi, or Varangians, who ravaged the countries on the Baltic, and, making their way to Constantinople, were taken into the service of the Eastern emperors. Of this organization, Rurik and his brothers were princes. These Varangians had come to the assistance of the Slavs at a time prior to that to which we are now to give attention, and had given them relief from some of their internal dissensions. After rendering this service they had been expelled. Perhaps this visit, instead of being on an invitation of the Slavs, may have been on one of their pillaging expeditions; but, at any rate, the fact is recorded that these rovers were among the Slavs; that they assisted in quelling revolts; that their presence became distasteful to the Slavs, who finally sent them home.

The Novgorodians, unable to keep down the factional quarrels that arose among themselves, and also to repel the invasions that came from outside enemies, and, from their former experience, knowing the power and ability of the Varangians, sent for them again to come to their aid. In 862, Rurik and two of his brothers, each with his Drujina, or warrior band, responded to the call, and came to the rescue of the Slav Republic. From this event is dated the commencement of Russian history. The Varan-

gian dynasty established by Rurik in 862 lasted more than seven hundred years, the last male member, in the person of Feodor I, dying in 1598.

At first Rurik established himself at Ladoga, and his two brothers at other outlying points, selected with a view of enabling them to repel any attacks from outside, and to control lines of commerce, as well as to be within reach for rendering necessary aid in the management of internal affairs. Two years after his entrance into the Republic, Rurik removed into Novgorod, which he fortified, and which he thereafter made his capital.

The Novgorodians had the same experience as other people who looked to the Norsemen for help. They who came as protectors soon found it to their advantage to make conquests for themselves, rather than for those who had invited them to their country. In a short time the Varangian princes were the recognized rulers of Novgorod and the surrounding provinces. Notwithstanding they became the conquerors of the country, and left their impress on its name and Government, they were themselves to lose their language and identity in that of the conquered people, into whose nationality they were to be absorbed. It was the experience of the Franks repeated.

THE IRREGULAR PERIOD.

On the extinction of Rurik's line of Varangian kings in 1598, there ensued a period of fifteen years of irregular rule. The boyars first offered to recognize Irena, widow of Feodor, the deceased czar, as his successor, but she refused to assume the Government. The Council of State naturally took charge of the Government, and Job, the newly-created patriarch, acted as its president. They, with

the concurrence of Irena, offered the crown to her brother, Boris Godonof, who had been the principal minister of Feodor, and the virtual ruler of the country in his name. He had also, in the previous reign, been a minister of Ivan IV. But through policy, Boris assumed not to desire the position. A States General, or National Assembly, was then called, in which Boris was chosen czar. Feeling that he now had the nation back of him, he accepted the crown, and proved to be a wise and useful ruler.

On the death of Boris, his infant son Feodor was expected to succeed him, but in a very short time he was killed. An impostor, Dimitri, representing himself to be a son of Ivan IV, succeeded in gaining the forces to his standard, and secured control of the Government with the approval of almost the entire nation. When his fraudulent claim was ascertained, or, rather, when the people chose to believe it—for its falsity was known all the time—he was deposed and executed.

Without calling the States together the boyars conferred the crown on one Vasili Shuiski, head of one of the chief houses of the nobility. They required of him an oath, which he took, to respect the laws of the Empire, to put no boyars to death without trial, and not to confiscate the property of criminals. This was the first occasion in Russia of anything like a compact between a prince and the people on his elevation to the throne. His choice, by the act of the boyars alone, left Vasili without anything like a national support. Civil war broke out, and armed opposition came from several quarters, so that he was able to maintain himself but a short time, and was soon forced to abdicate. Two or three new impostors arose and secured some following, but not enough to make their efforts successful. The Poles, who assumed to champion the cause of one of these impostors, gained, and for some time held,

possession of Moscow, which they burnt. But there was a general uprising of the people, and the Poles were finally driven out.

SECOND LINE OF KINGS—THE ROMANOFFS.

It was the action of the nation—the best elements of all classes of people—which now saved the country.

A National Assembly was called in 1613, which was more of a representative body than had ever before been assembled in the Russian Empire. It was composed of boyars, ecclesiastics, members of the army, merchants, and deputies from towns and districts. All classes were represented, and they unanimously chose Michael Romanoff for czar. Being a descendant, through the female line, of the house of Rurik, added to his strength, and, though but fifteen years of age, there was no one to contest his authority. Nearly three hundred years have passed since this election, and still the Romanoffs seem to be firmly seated on the Russian throne. During the time there have been several irregular, and a few revolutionary successions to the throne. Still, the crown has not passed out of the family; all who have worn it have been descendants of, or related by marriage to, the direct line of Romanoffs.

THE ROYAL TITLE.

The title assumed by the followers of Rurik was that of Grand Prince. While the country was tributary to the Mongols, it was considered a Grand Duchy of the Tartar Empire of Kaptshak, and its ruler received the designation of Grand Duke. In the middle of the fourteenth century Simeon the Proud took the title of Grand Prince of all the Russias. Near the close of the fifteenth century Ivan III assumed the title of Autocrat of all the Russias,

which has been borne by all his successors. Ivan IV was a minor when he succeeded to the crown, and did not at once commence to govern in his own right; but when his coronation took place, in 1547, he was crowned as czar, a title derived from the Byzantine and other Eastern rulers. He did not think the title borne by his predecessors was in keeping with the grandeur which the throne had now attained, and the title of czar seemed best to comport with his present dignity. In 1721 the Senate and Holy Synod, in General Council, conferred on Peter I the title of emperor, in addition to giving him the designation of the Great and Father of His Country. The title of Emperor of all the Russias, given to Peter the Great at that time, has since then been the official designation of the ruler of that Empire.

GROWTH OF ROYAL POWER.

For several centuries under the Varangian princes the patriarchal rule prevailed in the Government. The oldest member of the reigning family was recognized as Grand Prince and Chief Ruler, while the other members of the family were granted appanages in various parts of the Empire, where they ruled as inferior or subject princes. So well established was this system that a son of a deceased Grand Prince seldom contested with an uncle, or any older member of the family, the right of the latter to succeed as chief ruler. The Grand Prince was always to reside at the capital.

The adoption of Christianity from Constantinople was favorable to the growth of the monarchical principle. But it was a long time after the establishment of the Greek Church in Russia before the principle of primogeniture as applied to the succession to the crown, as it prevailed in

the Byzantine Empire and in most of the monarchies of Europe, made any headway against the patriarchal rule as adopted by the Slavs. Occasionally some one would attempt to break over the Slav rule, but such instances were rare, and only exceptions to a well-established policy. It was not till the last half of the fourteenth century that anything like a successful effort was made to bring the inheritance to the Russian crown in harmony with the principles prevailing in other European countries. Dimitri Donskoi was the first Grand Prince who was able to change the line of descent, and to establish the principle of primogeniture. From this time on, the principle thus inaugurated became the rule in Russia, and succession to the crown in any other way was the exception.

The system of appanages which grew up with the practice of patriarchal rule, and which proved so detrimental to the interests of the Empire as well as to royal authority, survived somewhat longer than the Slav order of succession to the throne, and finally disappeared with the reign of Vasili Ivanovitch, early in the sixteenth century. Andrei Bogolinski had attempted to accomplish the same result three hundred and fifty years before, but the nation was not then ready for his enlightened views. When Ivan the Terrible came to the throne, in 1533, the country was fully freed from the appanage system, and the succession to the crown by hereditary descent in the direct line, according to the principle of primogeniture, was fully established.

If Russia escaped the division of the country into a number of independent provinces under the principles of the feudal system, which, for some cause, failed to be planted in her territory, she suffered almost, if not quite, as bad results through the introduction and growth of the appanage system. While it lasted, civil wars were of constant occurrence, and anarchy and discord were the

condition of the country. With this system in vogue, there could be no united feeling of nationality, and the growth of royalty was as difficult as when it encountered the disorganizing forces of feudalism. It was the jealousy and discord resulting from this system which rendered the country so unprepared to meet the Mongol attack, and which so long retarded the growth of nationality that would naturally have sprung up and succeeded in driving the invaders from the country.

Still, these family divisions were not permanent, and every few years some prince arose who had strength and foresight enough to unite, to a certain extent, the several parts under one rule. There were many things which had a tendency to bring about this inclination to union. The people were mostly of one race and spoke one language, they possessed a common religion and had a common history; and when the princes of Moscow had developed the degree of power which enabled them to assert authority over the whole territory, they found these natural tendencies working in harmony with their efforts.

So long as this appanage system was in vogue the supremacy of the Mongols in the Government of Russia for so long a time was not, perhaps, on the whole, detrimental to the growth of royalty. It was better and easier for these foreign masters to have a central government to which they could look for the collection and payment of the tribute exacted, and for the enforcement of such orders as they from time to time should make, than it was to secure such results through numerous princes. Hence, we find the Mongols generally favoring the authority of the Grand Prince as against others contesting his authority.

During the fourteenth century, notwithstanding the Mongol supremacy, Russia was growing in wealth, and

the Grand Princes were strengthening their hold on Government. During the fifteenth century there were internal struggles and civil wars, to a certain extent ; but in the end the idea of centralization of power was in the ascendant. With the opening of the sixteenth century, with the right of inheritance to the crown established, and the appanage system destroyed, the increase of royal power was marvellous. The inferior princes, who had been accustomed to look to some ambitious governor of a strong province for aid in time of trouble in their own territories, now had no one to appeal to but the czar. There was in Russia but one Government, and it now became a contest between the princes, who naturally congregated in the capital after the destruction of their authority in the provinces, and the czar as to whether oligarchy or autocracy should be the controlling principle. Such was the condition of the monarchy when the succession as Grand Prince came to Ivan IV in 1533.

On account of his minority it was several years before Ivan IV was allowed to assume the Government direct ; during this period all departments of the Government were plundered by the boyars. At his coronation, Ivan IV assumed the title of Czar of all the Russias, which indicated a determination on his part to maintain a dignity and to exercise an authority that had been unknown to his predecessors. The power assumed and exercised by the great boyars at court made his position intolerable to the proud spirit of Ivan ; he virtually abdicated, and left the capital. The boyars did not feel sufficient confidence in their strength to get along without the royal assistance. They were consequently forced to proceed to the czar's presence and beg him to return to his capital, and again assume the Government. He was thus enabled to dictate his own terms. He divided the Empire into two parts, in one of

which he left the old court factions to exercise their authority, he retaining over it only general jurisdiction, while in the other part his own authority, exercised through new court favorites, was supreme. Of course, such an arrangement could be but temporary; still, it lasted several years, and only terminated in 1572. There was no longer any doubt about the supremacy of the royal authority.

During the history of the monarchy there have been several changes in the rule of succession. In 1721, Peter the Great issued an edict declaring the right of the emperor to name his successor; but he failed to exercise the right during his reign. Peter III attempted to establish another rule. In 1797, Paul I promulgated a decree establishing the line of descent, according to the rule of primogeniture, from male to male.

THE MONGOL SUPREMACY.

The Mongol scourge, which Southern and Western Europe measurably well escaped because of their ability to resist the barbarian hordes, fastened itself on Russia for two and a half centuries. Had it not been for the rule then prevailing of dividing the Government among the children of a deceased prince, Russia as well as Western Europe might have been able to withstand and repel the Tartar attack. But when the Mongols came, they found the Governments existing in Russia jealous of each other and at war among themselves; as a consequence, no unity of action could be secured to resist a common foe. This division continued, and was encouraged by the conqueror during the time the Mongols maintained their supremacy.

In 1224, while on one of his expeditions of conquest and plunder, Genghis Khan, with his Mongol hordes, ravaged the southern provinces of Russia, and then returned

to Asia without making any permanent conquest. But in 1237 the Golden Horde, a part of Genghis Khan's force, under his successor returned and conquered Russia, and continued to hold the country as tributary to the Empire of Kaptschak, which he founded in Southern Europe, till 1480. In the meantime many efforts were made to throw off the Tartar yoke, but without success. In 1380, Dimitri III secured a temporary union of most of the princes, and fought what at the time seemed a decisive battle. In this contest the Mongols left one hundred thousand of their number dead on the field of battle. But two years later the Mongol horde, again finding the Russian princes divided, was able to take and burn Moscow and other important towns, and to regain their control in the Government.

About the close of the fourteenth century, Tamerlane invaded the Empire of Kaptschak, defeated the Golden Horde, and continued his incursions into Russia, going nearly to Moscow; finally turning to the south, he left Russia for what seemed more inviting fields. There he took and burned Azof and pillaged other southern cities.

During their supremacy it was the policy of the Mongols to stir up strife between the native princes, all of whom were required to submit their claims to the conquerors, and no one was allowed to assume the Government, either as Grand Prince or as ruler of a province, until he had been recognized by the Grand Khan. To obtain this, in addition to an immense outlay for presents and expenses, it took months and sometimes years, the Government in the meantime being in the Mongols' hands. The effect of this policy was to ruin all of the native princes. Of course, this left the country more completely at the disposal of the Tartars.

The Mongols left to the Russians their laws, customs,

courts, and officers. The Mongol supremacy was favorable to the growth of absolutism on the part of the Grand Princes; for it required a firm rule to collect the tribute which the Russians had to pay, and it was to the interest of the Grand Khan to encourage and protect the Grand Prince in his claims of authority over his people. The Russians had to pay a capitation tax, levied alike on rich and poor. Those unable to pay this tax became slaves. The tax, in general, levied to pay this tribute, was farmed out, and sometimes the Russian princes themselves undertook its collection. After the Mongol yoke had been thrown off, the Russians retained the capitation tax as a part of their system of revenue.

A union of the Russian principalities would have taken place without, no less than it did under, the Mongol supremacy. But it might, in that case, have been accomplished without the loss of local institutions and the rights of the people. Under Mongol sway all political liberty was absolutely stifled, and everything having any tendency toward developing self-government was suppressed. How much of Russian despotism is attributable to the Mongol rule no one can intelligently measure and determine.

While the Golden Horde was dissolving, and the Kaptshak Empire was crumbling to pieces, a spirit of patriotism was growing among the Russians, and a determination to throw off the Mongol yoke was becoming more intense. The Kaptshak Empire had now broken into a number of separate States, in each of which anarchy and dissension prevailed. Still they were not ready entirely to surrender their claims on Russia. The khan of the principal one of the States sent an embassy to the Russian court in 1478 to demand payment of tribute and a recognition of the Mongol overlordship. Ivan the Great caused all of these ambassadors but one to be killed, and the one he sent back

to the khan with the message that the Grand Prince would pay no more tribute. Both parties then prepared for war. Even after going to the extent of killing the Mongol ambassadors, as he had, Ivan was afraid of the result of a battle, and hesitated about entering upon the war. After being urged by his counselors and those in power in the Government, and almost forced, he took the field. Finally, in 1480, the two armies came in sight of each other on opposite banks of a river, where they lay inactive for some time. At length each was seized with a panic, and fled from its camp without any attempt to hinder the flight of or to pursue its adversary. This was the last serious attempt made by the Mongols to hold sway in Russia. From a tributary province of a Mongol horde Russia passed to an independent Empire, and soon into the great family of European nations.

INTRODUCTION OF CHRISTIANITY.

In 955, Olga, the widow of Grand Prince Izor, and guardian of their minor son, became a convert to Christianity, and went to Constantinople to be baptized. She was not able to induce her son to embrace the new faith, and her conversion seems to have made little impression on the nation.

In the early years of the reign of Vladimir he was one of the most cruel and bloodthirsty of all Russian rulers. But he finally came to see that a change was necessary, and that he and his people needed a new religion. He caused his counselors to make a careful investigation of the several accessible religions, and, after all he could learn, he was charmed by the magnificence of the worship of the Greek Church; and that, over Mohammedism, Judaism, and Romanism, became his choice. He was baptized

by the Greek patriarch, and immediately set about the destruction of paganism. He not only embraced Christianity himself, but, in 988, adopted the Greek Church as the State Church of the Empire. His change of religion was accompanied by a corresponding change in his life, and also in his manner of Government.

While it took ages to extirpate heathenism, a very large portion of his people followed the example of Vladimir in the adoption of Christianity. The influence of this change was soon perceptible in the difference it produced in the character of the people. The adoption of Christianity meant the doing away with polygamy, a new view of virtue and benevolence, and the formation of a new type of character.

The establishment of the Greek Church as the State religion was an important event in Russian history. It meant the introduction of the Byzantine ideas of government as well as of religion. There was a sort of an equality among the Varangians, and at first the prince was little more than the head of a band of warriors. But from this period, while it took a long time to realize it, the czar or emperor was the ideal towards which the prince was striving. He was to be the ruler, the people were to be his subjects. He was to be the source of law and justice. He was to be imbued with the idea that his authority came from God, and was to be transmitted to his successors, and not divided among his children. All persons possessing any authority were to exercise it according to his will. Of course, the Varangian and Slavic ideas of government would not at once give place to those of the Byzantine court; but in the end the latter were destined to triumph.

With Christianity was also to come, in the course of time, a change in the jurisprudence of the country, whereby

public punishment, corporal or imprisonment, should take the place of private vengeance.

Christianity has experienced in Russia what is its usual lot in countries where it is propagated through the instrumentality of a State Church. Its spirit has, to a large extent, been lost in the magnificence of its forms. The Grand Prince sought the aid of the Church, not so much to regenerate and change the character of his subjects as to enable him successfully to exercise his jurisdiction over them. Under the religious tolerance of the Mongols, and the favor shown by them to the clergy, the Church grew in wealth and power most of the time during the national subjugation. And when the Mongol yoke was removed, the strength which the Church had gained, even while the country was paying tribute to foreign masters, enabled it to be a strong support to the Government in its effort to gain supremacy over the invaders.

The Russian Church had the usual Church hierarchy—metropolitan, archbishop, bishops, all of whom possessed princely incomes—while the inferior clergy were ignorant, poorly paid, and subject to severe corporal chastisement from their superiors for any infraction of the commands of the latter. Of course, such a clergy could not be a very great help in the elevation of the religious life of the people.

Convents and monasteries were numerous and richly endowed, and were frequently made to serve as prisons for princes and nobles who were under royal displeasure. In the ecclesiastical reforms inaugurated by Ivan IV, convents and monasteries were forbidden to increase their landed estates. While they have sometimes suffered spoliation, they have remained possessed of very great wealth and power.

The metropolitan of Moscow was head of the Church

till near the close of the sixteenth century, when the Grand Prince Feodor procured the patriarchate to be instituted, the seat of which was, of course, at Moscow. But the czar was almost as supreme in Church as in State. He could create new sees and appoint new prelates at pleasure. Peter the Great abolished the dignity of patriarch, and in place of that official he established a chief ecclesiastical court, the Holy Synod, which, under the direction of the czar, had supreme authority in religious matters.

EDUCATION.

Prior to the time of Peter I, Russia had made little advance in matters of general enlightenment, nor had she taken any steps toward securing popular education. What Russia has since become she largely owes to the keen insight into all matters of government and civilization, the practical good sense, the unbounded enthusiasm, the unbending will, the determination to bring his country abreast of Western advancement, possessed by Peter the Great. He decreed that a noble who could not read and write his own, and also express himself in a foreign language, should lose his rank. He founded elementary schools in all the provinces of the Empire, in which the children of officials were required to be educated. Other institutions and special schools were also founded by him, and much was done to encourage the translation of books and the introduction of writings from foreign countries. Of course, nothing was then attempted towards educating the peasant class.

Elizabeth was also a great friend of education, and did what she could towards carrying out the plans of her brother. Catherine II advanced education among the higher classes, and especially among the women. She also

made an effort to start education among the common people, but little could yet be done in that direction. Alexander I made a strong effort to popularize education and make it general. He divided the Empire into circles, with an officer at the head of each, whose duty it was to systematize the work and make it successful. Since that time there has been a constant, though slow, advance in the matter of educating the common people, and the result attained is unsatisfactory.

GROWTH AND CONSOLIDATION OF THE MONARCHY.

The republics and principalities which had any organized existence at the time when Rurik came to save them from destruction through anarchy within and conquest from without, were entirely separate and independent of each other. While the Varangian princes soon began to assert and, to some extent at least, exercise authority over most of these separate States, and to pursue a policy calculated to bring them all under one rule, still the system of appanages, instituted and practiced by them, had a strong tendency to keep the Empire disorganized and broken up, and to prevent the establishment of a General Government whose rule should extend alike over all. That union which would, in all probability, have taken place quite naturally and with comparatively little friction, had it not been for the prevalence of the appanage system, had to be brought about by force and the exercise of despotic power.

The center of power and the seat of Government changed from time to time, as different cities and provinces grew in importance and were able to bring to bear the different forces that draw to them controlling elements in government. Soon after Rurik's time Kief drew the cap-

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ital from Novgorod, and the strength of the southwestern provinces maintained it there till its overthrow in 1169 by interests which had sprung up elsewhere. The conquest of new territory in the North and East induced Andrei Bogolinski to locate his seat of Government at Vladimir, after securing the overthrow of Kief, and here it remained till the power of the princes of Moscow enabled them to secure its removal to that city.

According to an ancient chronicle, Prince Iuri Dolgoruki, for some cause, killed a boyar whom he found settled there, and thereupon laid the foundation of Moscow on that very spot, and where the kremlin was afterwards erected. This was in 1147, a little more than twenty years before the overthrow of Kief. The principality of Moscow dates from the latter part of the thirteenth century, when the town, with some surrounding territory, was given as an appanage to Daniel, a son of Alexander Nevski. From this time its growth was rapid and its acquisition of power was permanent.

On five occasions Moscow suffered almost or quite total destruction by fire; the first three times, 1237, 1382, and 1571, by the Tartars; the fourth time, 1612, by the Poles; and the fifth time, 1812, by the Russians themselves, when it was about falling into the hands of the French. But on each occasion it sprang up out of its ruins with renewed splendor.

While Russia remained tributary to the Mongols the princes of Moscow were generally favored by the khan. It was not very much to their credit that this favor was largely gained by the zeal of the Muscovites in carrying out the Mongol policy. They became the collectors of the Tartar tribute money, by means of which, in addition to gaining the favor of the foreign masters, they accumulated

great wealth for themselves; for the amount levied was always much greater than that actually paid the Mongols.

Early in the fourteenth century, and before making strenuous efforts toward securing the capital, the princes of Moscow induced the metropolitan to remove to their city, and thus brought the influence of the Church to bear in furthering their designs. On the fall of Constantinople in 1453, Moscow, as the chief city of the Greek Church in Russia, inherited much of the wealth, art, and learning which had been accumulating for centuries on the Bosphorus.

Under Ivan Kalita, in the second quarter of the fourteenth century, Moscow became the real capital of Russia, although the legal capital remained at Vladimir for a century longer, during which time there was a growing rivalry and a spirited contest between the two capitals. But in 1431 Vasili Vasilievitch was crowned in Moscow, the first Grand Prince who had there received his coronation, and from this time the supremacy of Moscow was assured.

During the fourteenth and fifteenth centuries the princes of Moscow were bringing under their rule all outlying principalities which belonged to the Varangian dominions. In 1478, Novgorod, the strongest of the ancient Republics, and the most independent of all the principalities, received the finishing blows dealt her by the Grand Prince of Moscow, and thereupon finally passed under the scepter of the latter. In 1510, Pskof, the last of the Republics to maintain independence, surrendered to the superior force of the Muscovites, and in 1523 Novgorod-Severskoie, the last of the outlying principalities to maintain some show of independence, submitted to the rule of the Grand Prince. Russia was now a united country. When, in 1533, Ivan the Great became Grand Prince, he

found himself the head of a Government with all the principalities and provinces acknowledging his authority. It became his task to consolidate and develop the monarchy which he had inherited from those who had created it.

The princes of Moscow were the real founders of the Russian Empire. In their Constitutions are found developed all the elements of the Russian character. It was around Moscow, and under the rule of her princes, that the union of provinces was formed which neither of the other capitals could secure.

FOREIGN RELATIONS.

Russia was very slow in coming in contact with Western Europe. For centuries she remained almost isolated from all foreign nations. Her contiguous territory brought her into contact, to a limited extent, with the nations of Eastern Europe. But it was not until 1557 that her first ambassador appeared in London, and that was brought about by means of an English boat going into the White Sea, and up the Dwina in search of new lines of commerce. When this boat returned, the Grand Prince sent a representative with the crew to open official communication with the Government of Great Britain.

When Peter I came to the throne, and made a tour of Europe for the purpose of studying Western civilization, he brought Russia into closer commercial and diplomatic relations with the other nations than she had ever been before. He negotiated commercial treaties with most of the nations that he had visited, and had representatives at all of their courts. During some years a much more intimate relationship was maintained with the Northern nations than with those lying to the south. It was not till the reign of Elizabeth that close friendly relations were

secured between Russia and France. From that time, however, no nation exercised a greater influence on the civilization of Russia than did France.

PROPOSED CONSTITUTIONS.

Russia and Turkey are almost, if not quite, alone among the nations of Europe in maintaining the form and essence of absolutism in Government. Prior to the French Revolution, no desire for personal freedom or for a liberal Government seems to have made its appearance in Russia to an extent that had any influence on the popular mind. The mingling of the Russian officers and soldiers with the French and some others who had imbibed a part of their sentiments, had a tendency to awaken in the Russians a wish to make their Government take on some of the forms of liberalism. But nearly all efforts in that direction were ruthlessly crushed.

Not so much out of love for the people as from a desire to further their own interests, a few of the Russian nobility did, at one time, propose a kind of Constitutional reform. On the death of Peter II, in 1730, the secret High Council determined to call to the throne one whom they could control, and to limit the authority of the crown by a compact between themselves and the person to whom they should intrust royal power. They prepared a Constitution requiring the emperor to consult the High Council on all matters of government, that without its consent he should not make war or peace or perform certain other designated acts, nor put a nobleman to death without trial. Anna, niece of Peter I, and daughter of his brother Ivan, to whom, on these conditions, they offered the crown, accepted and took an oath to observe this Constitution. A National Assembly, called to ratify this action, at first

affixed their signatures without making any protest; but, on being reassembled a short time thereafter, they informed the empress that this action of the High Council was without the concurrence of the nation, and had no authority. Anna was not slow in reasserting the autocratic authority of her predecessors, repudiating the Constitution, and banishing the High Council. This is, perhaps, as near as Russia ever came to having a written Constitution and a limited monarchy.

Constitutional questions were vigorously discussed by the States General assembled in 1766 by Catherine II; but no action was taken, and whatever effect these discussions produced was the influence they exerted on Catherine in the matter of legislation and the general control of affairs which she was undertaking.

Alexander I did not give the country a Constitution, but, as a preface to the code of laws published under his direction, he defined the privileges of the crown, its duties and obligations, discussed the rights of subjects and the position of the different orders of the State. Since then, and especially when Alexander II came to the throne, vigorous demands have been made for Constitutional Government; but so far, whatever reforms have been effected in Government have been granted by the emperor without the intervention of a Constitutional Convention.

NATIONAL ASSEMBLIES.

Even in a Government so despotic as that of Russia there have been times when it was thought that an appeal to the nation was advisable, if not necessary, and when in settling the succession to the throne it was decided wise to take the people into aristocratic confidence. The first national gathering of which we have any record, answering

to a States General or National Convention, was convoked by the first ruler who bore the title of czar, Ivan IV, in 1566, to advise as to the action to be taken by the Government on the request of the Poles for a truce in the war then in progress. There were present representatives from the boyars, clergy, and merchant classes. They advised the czar not to accept the terms proposed by the Poles.

On the death of the last male representative of the house of Rurik, in 1598, the boyars offered the crown to Boris Godonof, but he would not accept it until they had called together representatives of the nation to determine whether or not he would be satisfactory to them; consequently, a National Convention was convoked. The States General was again called together by the Council of State in 1613 to determine the succession to the crown. This was a very representative body, embracing delegates from the Church hierarchy, nobility, army, merchants, and deputies from towns and districts. It was this body that placed the Romanoffs on the throne.

In 1624, Michael convoked the Assembly to consider an alliance with the Turks against the Poles. Again, in 1627, they were assembled to consider the proposition of annexing Azof, which had recently fallen under the power of the Cossacks. In 1633 the States were convoked by Alexis to determine on an impending war with Poland to secure the annexation of Little Russia. The States declared for war.

On the death of Peter II, in 1730, with no absolute claim of right to the throne on the part of any one, the High Council proposed to limit the prerogatives of the crown in the person of the one who should be called to the throne, and to make this more binding and surer of success, they assembled the States General.

All nationalities and all orders of service—Senate, Synod, Court, nobles, citizens, soldiers, peasants—to the number of more than six hundred and fifty, were gathered in the States General of Catherine II, in 1766, which she assembled to take part in the revision of the code which she proposed to effect. This assembly discussed theories of government, rights of the people, and the general needs of all classes, but did not reach definite conclusions. Catherine dismissed them with the assurance that she had received from their discussions information and suggestions which would be of service to her in completing the work proposed.

LAW AND JURISPRUDENCE.

About the middle of the eleventh century Iaroslaf gave the Russians their first code of laws—the *Russkaia Pravda*, or Russian Right. It was but a rude effort at providing means for administering justice, and yet it was an attempt which was in itself an educational process from barbarism to civilization. It recognized judicial combat and private vengeance; but this latter was limited to the relatives of the murdered man, and if none of them, within a prescribed time, claimed the privilege, the offender might atone for the offense by paying a specified sum to the State. Provision was made for judges, and trial by jury was established. Neither capital nor corporal punishment was recognized, nor was a prison even named. For several centuries this rude code was maintained by the side of Byzantine laws that were soon introduced, each being appealed to by the class to whom its provisions seemed best adapted. The Letters of Justice embraced the Novgorodian laws, as recognized and practiced in that Republic. They were quite similar to those contained in the code of

Iaroslaf, and were not published until some time after that code.

Just at the close of the fifteenth century, Ivan the Great sought to improve on previous legislation, and selected, both from the Russian and the Greek, such laws as he wished kept in force, with which he formed and promulgated the Ulojenie. About the middle of the sixteenth century Ivan the Terrible made another revision of the laws, which he put forth as the Sudebrik. By these later codes, capital and other corporal punishments were provided for; while judicial combat was still recognized, it was to be with weapons which were not likely to cause death.

Notwithstanding these codes, in very many respects the law remained uncertain, and was administered more in accordance with the ideas of those to whom its execution was intrusted than upon any fixed principles. The debtor was frequently subject to corporal punishment of the most brutal kind, and, finally, if no one came to his assistance, and thereby enabled him to pay the debt, he and his family were subject to be let out to hire or sold into slavery. The punishment for crimes came to be most frightful,—all that could have been desired by a Spanish inquisitor. Yet the noble who killed his slave was not punished at all, and was only fined or, perhaps, whipped for killing a citizen.

The Ulozhenie was a new code, or a revision of the old one, put forth in the last half of the seventeenth century by Alexis Meikhailovitch, and was the groundwork of the Revised Ulozhenie of Peter the Great, which was published in 1718. This had been worked on by the boyars and the Senate for a number of years before Peter gave it to the public, and the work of the old codes had been very much improved.

About the middle of the eighteenth century, Elizabeth

issued a decree abolishing the death penalty. Still, death frequently resulted from the infliction of other corporal punishments which were then in vogue.

An important event in Russian Constitutional history, as well as in that of her jurisprudence, was the meeting of the States General in 1766-67, convoked by Catherine II to take part in the revision of the laws. While no result was reached by this body, its discussion of Constitutional questions took a wider range than had ever before been indulged in by any body in that country. These discussions were instructive, and no doubt had an influence in shaping future legislation.

Nicholas undertook a task which had occupied the attention of so many of his predecessors, and, in 1830, published his Complete Collection of Laws, the basis of which was the Ulozhenie of Alexis. He subsequently put forth a more complete and systematic work, and, in 1849, published the code for the trial of criminal cases.

From an early day there have been a series of courts intended to provide means for the assertion of legal rights and the redress of grievances. Under the Grand Princes there were the local courts of the hundred, and a higher court, usually located in each provincial capital, and the Supreme Court at Moscow. Under various revisions of the law, changes were made in the style and number of courts. Soon after Peter I organized the Senate, it was made the Supreme Court of the Empire.

From 1861 to 1866 there was a reorganization of the judicial system of the whole Empire. Justices of the peace have jurisdiction of small matters, while more important affairs come before district courts, and over these are courts of appeal. The jury system prevails in the trial of criminal cases. Capital punishment is inflicted only for offenses against the Government, and for the trial of this

class of offenders provision is made for a special high tribunal. Trials are now conducted much as in other countries, with the testimony of witnesses given orally in court, and each side represented by counsel, who conduct the examination of witnesses, and present their arguments to the court and jury.

LOCAL GOVERNMENT.

Russia is composed of a number of States or provinces, which were originally entirely independent of each other. Some of these, especially the ancient Republics, had a well-developed system of local self-government, which they maintained for centuries. Before the time of Peter the Great, local government had been such as had grown up in primitive times amid wars and invasions, without system and with no division of authority into separate departments. Ivan IV made an attempt at, and to a degree succeeded in, securing certain judicial reforms. During his reign, in 1551, his minister, Adashef, is said to have secured to Russia her first municipal liberties. But systematic reform began with Peter the Great, who, in 1708, divided the Empire into governments, with provincial subdivisions, over which he placed governors and subordinate officers, assisted by a Council elected by the nobles. Towns were divided into classes, and given a municipal government of their own choice. The Council of St. Petersburg was given a supervision over the Councils of other cities and towns. The patriarchal character of the ancient communes remained unchanged.

In 1775, Catherine II issued an edict modifying and further improving the plan for local self-government and the administration of justice, as it had been inaugurated by Peter. She granted a number of privileges to citizens of towns, and allowed municipal self-government.

At a later date the three orders of the laity—the landed proprietors, the citizens of towns, and the rural communes—in each district were allowed to elect a Council having general administrative functions for that district. These district Councils elected delegates to the Provincial General Council. Under the present Government, cities and towns elect a Town Council. A mayor is chosen by the councilmen. Throughout the Empire there is a fair degree of local self-government.

THE GOVERNMENT.

The Scandinavian *Drujina*—warrior band—was the germ of the Russian State. The *drujinniki* were the counselors of the prince as well as his warriors. To them was intrusted the government of districts and provinces, and frequently the administration of justice. But they refused to become secretaries or clerks. Those duties were given to scribes, who, in time, rose to positions of great rank and importance. These bands were not exclusively made up of Scandinavians, but Slavs and select members of other nations were frequently admitted. Thus a fusion of the different nationalities became easier, and took place more rapidly.

From the very first the Government was an absolute monarchy, and no opposing element was long able to render any effectual barrier to the despotic rule of the Grand Prince. The highest nobles could only address him in terms importing the greatest humility and degradation on their part; they were but as slaves approaching a master. People prostrated themselves before him as before a god. The Empire and his subjects were his private property, with which he could do what he pleased. This position of the Chief of State was not attained without a struggle.

The princes and high aristocracy sought to retain a relative equality with the Grand Prince; but, being scattered over such a wide extent of country, and seldom having an opportunity of consulting, they were unable to bring anything like a united force to resist the growing power of the Grand Prince. Hence, it was not long before he succeeded in attaining a position of absolute supremacy, which enabled him to treat his nobles, as well as his common subjects, as slaves.

Of course, in the early development of the monarchy, provision for general government was but poorly conceived and inadequately secured. Under the Grand Princes, the Government came to be administered through a number of prikazui, or bureaus, twenty or more, each with specific duties,—some pertaining to the personal service of the Grand Prince, such as his table, wardrobe, horse, amusements; others pertaining more especially to the business of Government, such as the army, the provinces, the revenue.

In place of these prikazui, Peter I established a series of colleges having charge of the army, revenue, justice, and other departments of Government. This change does not appear to have been one of principle of government so much as a difference of organization of the forces for administrative purposes. In 1802 these colleges gave place to a still more regularly-constituted ministry appointed by Alexander I. In 1810, Alexander organized a Council composed of the chief dignitaries of the State, which was to examine all proposed legislation and new laws, and thus possessed some of the elements of a legislative department of Government. Many other reforms in Government were also inaugurated by Alexander.

The Grand Prince, or czar, after that title was assumed by the chief magistrate, called about him such counselors

as he chose, usually his own or his wife's relatives, more frequently the latter. The greatest nobles and their sons were glad to serve him in the most menial capacity. The principal boyars formed a Council of State—the Duma as originally known, answering more nearly than any other Russian body to a modern Parliament—which assisted in the Government, but just what authority was intrusted to it is uncertain. Whatever limitation there was on the absolute power of the Grand Prince, if there was any, seems to have been possessed by this body. But, more likely, it gave advice on such questions, and acted on such matters only, as the Grand Prince referred to it. In 1711, the Duma was supplanted by the directing Senate, a body instituted and organized by Peter the Great. A Senate was, in fact, organized in 1606 by the impostor Dimitri while he was in power, but it seems to have perished with his reign, or, at any rate, never to have been any force in the Government of any of his successors. But Peter I was great enough to understand the advantages of securing the assistance of the greatest men in the Empire in his work of giving Russia a modern Government, and under him the Senate was made a governmental institution of real power. It formerly held the first rank, or, rather, was the only consulting body of the Empire; but it now holds the second place. It promulgates and oversees the execution of the laws, and also acts as the Supreme Court. It has, on several occasions, undergone changes in its make-up and duties. At the time of instituting the Senate, Peter appointed a procurator-general, who had charge of the execution of the laws.

Different sovereigns have constituted Councils with designations and powers somewhat varying. Under the present arrangement the State Council is the highest consultative body in the Empire. It consists of the min-

istry and other members appointed by the emperor, and is divided into three divisions,—legislative, administrative, and financial.

The Holy Synod is the third of the consulting bodies of the Empire, the Senate being the second. It was created in 1721 by Peter the Great, when he abolished the patriarchate. It is the ruling body of the State Church. The action of this, as of the other bodies, is largely influenced by the wishes of the emperor.

As I have stated in another place, great Councils of the Empire—States General or National Assemblies—have been convened several times, on special occasions; but they have possessed none of the elements of authority belonging to such assemblies in most other nations. The most they were expected or allowed to do was to sanction what the czar or the nobility had already determined on doing. There has never been in Russia anything like a free deliberative Assembly, with authority to make laws, levy taxes, or perform any other essential function of government, independent of the will of the emperor.

The emperor is now assisted in the Government by a ministry, each minister having charge of some department of the public service, and all of them, of course, responsible to the emperor.

The Empire proper is divided into governments for administrative purposes, differing in number from time to time, but about fifty, as at present constituted. Besides these, the foreign territory has its administration provided, each part according to the terms and conditions stipulated at the time of its annexation. A civil governor is at the head of each of these governments; but over these civil governors are general governors, who are, as a rule, military officers appointed by, and who report direct to, the emperor.

TURKEY.

MONGOL MIGRATIONS AND CONQUESTS.

THE civilization that had been developed under the Roman Empire previous to the advent of Christ and during the early centuries of the Christian era, had to encounter forces that seemed sufficient to tear up and destroy all that was good. These destructive elements were not all confined to one race; but as the history of Turkey was in no way influenced by the Gothic migrations, it is not material to our inquiry here to stop and examine when or how they occurred. But the story of the Mongol wanderings is so closely connected with its development as to form a necessary part of Turkish history. The ethnological question need not be discussed here; but it is now generally conceded that to the Turanian family of nations belonged all those tribes, by whatever name designated—Mongols, Tartars, Turks, Huns—which swarmed from the Altaian hive of humanity in the center of Asia, and spread over Southern and Western Asia and a large part of Europe, whose blight was on all countries through which they passed, and who planted no institutions which did not need to be extirpated before the least results in civilization could be attained. All of these invasions, in a closer or more remote degree, were connected with the founding

and development of the Turkish Empire. The migratory movement of these tribes covered a period from the fourth to the thirteenth century, with some movements before the earliest of these dates, and some important conquests taking place after the latter date.

Attila was the most formidable leader of the Huns, who, in the fourth and fifth centuries, made their way to the gates of Rome, and paused in their course on the coast of the Atlantic. In the ninth and tenth centuries the Hungarians were the terror of every nation in Europe. In the twelfth and thirteenth centuries Genghis Khan carried his conquests from China to Constantinople; and, a century later, Tamerlane followed in his footsteps, and brought Asia and Europe prostrate at his feet. As a part of this migratory movement are to be classed those now to be more particularly referred to as especially connected with the founding of the Turkish Empire.

In the tenth century Seljuk led a tribe from Turkestan into Bokhara, where they embraced Islamism. They were thereafter prominent in Mohammedan wars. About 1038, Seljuk's son, Arslan, crossed the Oxus and settled in Khorassan. Arslan's son, Togrul Beg, became sultan of this new Seljukian Empire, conquered Persia, took Bagdad in 1055, and extended his Empire from China to the Ægean Sea. This empire continued to prosper till the death of Malek Shah in 1092, when it was divided among his several sons. One of those sons established the Sultanate of Iconium or Roum, in the western part of Asia Minor. Genghis Khan and his sons conquered China, annihilated the Califate of Bagdad, subverted the Seljukian dynasty, and made the Sultanate of Roum tributary to their Government.

ESTABLISHMENT OF THE MONARCHY.

Estoghrul, or Orthoghrul, one of the sons of Solyman who had been driven out of Khorassan by Genghis Khan, started for Asia Minor. Falling in with two of the Seljukian tribes who were fighting among themselves, Estoghrul took the side of the weaker tribe, and his assistance turned the scale in its favor. For this assistance he was given a district on the borders of Bithynia and Phrygia, on the banks of the Sakaria, within the Sultanate of Roum. Estoghrul became commander-in-chief of the forces of the Sultan of Iconium. On Estoghrul's death his third son, Othman, was chosen, over the older sons, as his successor. Whatever allegiance, if any, had theretofore been acknowledged to the Seljuks was now renounced by Othman, who, in 1299, established the Empire of Osmanli, or, as more usually designated, the Ottoman Empire. Over the territory thus acquired, and in the Government thus established, Othman's son Orchan ruled (1326-1360), and developed a strong Government.

MOHAMMEDANISM.

To understand the Government of Turkey one must have some knowledge of Mohammedanism, and neither the one nor the other is easy to comprehend. The phenomenal spread of Mohammedanism over Asia, Africa, and Europe is still one of the marvels of religious (if it may be called religious) movements. Mohammed died, 632, having brought only Arabia under his dominion. Under the reign of the first, or the Arabian dynasty of califs, extending from 632 to 661, Mesopotamia, Persia, and Syria were conquered. The Ommiades—the second dynasty of califs, extending from 661 to 750—located their capital at Damas-

cus, conquered Africa, in 698 had reached the Atlantic, and by 710 had crossed over into Spain. The third and last dynasty of califs—the Abbassides—covering the period from 750 to 1258, developed a very different history from their predecessors. The founder of this dynasty made it hereditary in his house. The seat of Government was removed from Damascus to Bagdad. The wealth and luxury incident to their life in the East brought effeminacy. Al Rahdi, who died in 940, was the last of the califs who officiated in the mosques and led his armies in person. He created a new office (emir), to whom he delegated most of the functions of his office requiring anything like the exercise of real power. The emir sustained to the calif much the same relation that the mayor of the palace sustained to Frankish kings; the semblance of authority was in the latter, but the determining power was exercised by the former.

It will be noticed that the development of Mohammedanism, and the extensive conquests which it made, took place during the migratory period of the Tartar tribes, and their settlement in Western Asia and in portions of Europe. These Tartars, or Mongols, had no religion possessing any force and quality to offer in opposition to Mohammedanism. As a consequence, when they came in contact with the conquering legions, the hermit of Mecca became their prophet and the Koran their book of laws. Thus when the Ottoman Empire was established in Asia Minor, and soon thereafter extended into Europe, it was a religious as well as a political force that came to combat and, as sometimes seemed not improbable, to conquer Christian civilization. On the overthrow of the califs in 1258 the authority over the faithful, which had resided with them since Mohammed's death, passed to the Ottoman sultans.

CONQUESTS.

Next to the last year of the thirteenth century (1299) is the date from which we are to reckon the founding of the Ottoman or Turkish Empire. Before the close of the next century the Turks had conquered most of South-eastern Europe, established their capital at Adrianople, organized Christian captives into a most formidable body of soldiers (janizaries), which for the next two hundred years was the strength of the Empire, and made themselves feared by all countries within their reach. These Turks or Ottomans, while springing from the old Tartar or Mongol race, had so mixed with other peoples as to lose most of their Tartar blood before coming into Europe, and had practically become a part of the Caucasian family.

At the opening of the fifteenth century the Turkish Empire, along with other Western countries, felt the powerful hand of Timour, or Tamerlane, who made little distinction as to race or nationality in his treatment of people whom he encountered: all who lay in his track were subject to plunder and to receive his chastisement. But this scourge had only a temporary effect on this Empire, and did not amount to a calamity.

In 1453, the one thousand one hundred and fifty-third year from its founding, after a siege of fifty-three days, Constantinople fell into the hands of the Turks. Mohammed II, under whom the city was taken, is considered the founder of Turkish greatness; but it was under Solyman II, the Magnificent, whose reign extended from 1520 to 1566, that the Ottoman Empire reached the zenith of its power. His successor, Selim II, was the first of the sultans who failed to lead his own troops to battle, and who was content to be a voluptuary.

THE GOVERNMENT.

The Government of the Sublime Porte is an absolute monarchy, and, until recent years, it was an imperial despotism, with practically no restraint on the will of the sultan except the reserved spirit of rebellion implanted in human nature, when the hand of oppression becomes unendurable. The rights, interests, and privileges of foreigners are guaranteed by capitulations, commencing in the sixteenth century, and enlarged and made more secure from time to time by treaties between the Porte and foreign Governments. Every position in Government, except the chief, is open to all Mussulmans, and gives an incentive to deeds of merit, skill, and bravery. Within the past few years most of the restrictions against Christian officials have been removed, so that, in theory, they too may aspire to positions of honor and trust; but in practice these disabilities are not so fully eliminated as the Turkish Government would have the outside world believe.

The Oriental character of the people, the nature of the Government, its system of administration, and its general inclination to ignore Christian civilization, were such that it was not till 1840 that the Sublime Porte was, in any respect, admitted into the European political system of States; and not till the Treaty of Paris, in 1856, was it fully admitted into the European concert, with the privilege of sharing in the administration of international law.

The crown is hereditary in the oldest member of the Ottoman family. The succession from father to son has frequently been secured by causing all the older members of the family to be murdered on the accession of a new sultan. The sultan is the recognized successor of the prophet since the overthrow of the Califate in 1258, and the head of Mohammedanism throughout the world. The Koran is

the foundation of the Government and the source of political law, as well as the absolute guide in matters of religion. The Church and the State are one. The functions of the ministers of religion and the judges of the courts are similar: each is to interpret the revelation made to the prophet.

In theory, other religions than the Mohammedan have many more privileges than they enjoy in practice. There has been a declared purpose on the part of the Government, which has in some measure been carried out, to provide elementary schools, under national control, in every commune. In 1839, and again in 1856, as well as more recently, bratti sherifs have been issued, whereby civil rights are professed to be guaranteed to all inhabitants of the Empire; but experience has shown these guarantees to be but poor protection to any but Mussulmans. In 1876 a firman was issued abolishing slavery throughout the Empire.

For the administration of justice there are numerous inferior courts, a Court of Appeal in each vizayet, and, since 1868, a national Supreme Court. For the purpose of Government the Empire is divided into vilayets, or provinces; these into sanjaks, or districts; these into cazas, or circles; and these into nahiyes, or communes. Over the provinces are placed governors-general, over the district governors, over the circles lieutenant-governors, and over the communes mayors. These officers exercise very arbitrary authority; but they are all to act under instructions, and their acts are subject to review by the Central Government. Prior to 1876 a Council of State existed, different from the cabinet, in which measures for reform in Government, and propositions for new laws, underwent a preliminary discussion, and from which came recommendations to the Government for its action.

MONTENEGRO.

THE territory forming the Kingdom of Montenegro was a part of Illyricum under the Romans, and a part of the old kingdom of Servia that existed in Southern Europe after the dissolution of the Roman Empire. Near the end of the fourteenth century, Servia, including what is now Montenegro, became tributary to the Porte. Early in the sixteenth century, Montenegro secured its independence, practically, although Turkey still held a nominal tributary claim over it. The king then reigning abdicated, leaving the Government in the hands of bishops, who, till the middle of the nineteenth century, ruled Church and State. All this time Turkey was still claiming jurisdiction over the country, and sent army after army to conquer it. In 1852 Austria and other Powers intervened, and attempted to secure the recognition of its independence. The bishop-prince proclaimed himself king as Danilo I. The full independence of the kingdom was recognized by the Congress of Berlin in 1878. The Government is a limited hereditary monarchy. A small Senate acts as Council to the king, and as the Supreme Court. The legislative power resides in a National Assembly—Skupschtina—composed of the local dignitaries.

ROUMANIA.

By a union of the two provinces of Wallachia and Moldavia has been formed the principality of Roumania. The history of these two provinces shows a similarity in their development. Each was successively overrun by the various barbarian tribes that were making their way into the dominions of the Roman Empire. In Wallachia the inhabitants who had been contending with various outside forces for ages had, during the thirteenth century, achieved a sort of autonomy and the right to elect their ruler, styled hospodar. They were not yet sufficiently powerful to maintain their own independence, and, at the close of the fourteenth century, they acknowledged the suzerainty of Turkey, with the autonomy of their country under the government of their own hospodar guaranteed. In 1460 a new compact was entered into with Turkey, which was the basis of their Government during the next four centuries. In accordance with this agreement, the people continued to elect their hospodars till the close of the seventeenth century, when the Porte assumed the right to appoint them. Of course, one usurpation led to another, and the Government became oppressive. A revolt broke out in 1821, which brought some relief. In 1829, by the treaty of Adrianople between Russia and Turkey, the former was given the protectorate over Wallachia. A Constitution was then given her which provided for the election of her hospodar

or prince; but this right of election was not always observed by Russia, who often interfered in the Government. The Convention of Paris, in 1858, made provision for the government of this province under a prince to be elected by the people.

Like her sister province Wallachia, Moldavia acquired a sort of self-government, and was electing its own rulers in the fourteenth century. For several centuries these rulers were known as waywodes; but in the eighteenth century they came to be known as hospodars. A Wallachian invasion in the fourteenth century raised a family of their own race to power, known as the Dragoshite dynasty. The Government of this dynasty was often cruel. The Hungarians, Poles, and other outside forces made war on them. To escape the ravages of so many outside enemies, these waywodes, early in the sixteenth century, placed themselves under vassalage to Turkey. After this the waywodes were sometimes elected, but more frequently appointed by the sultan. During the eighteenth century, Greek hospodars displaced the Wallachian waywodes, and their influence became more favorable to Russia. In the latter part of the eighteenth century, Russia gained the protectorate over Moldavia, which she held most of the time till the union of this province with Wallachia. During this time the hospodars were usually elected.

In 1859, Wallachia and Moldavia elected the same hospodar, or prince, who, the following year, secured from the sultan a recognition of their union as a semi-independent State, acknowledging itself, however, as tributary to Turkey. The united provinces took the name Roumania.

Alexander Conza, who was the prince elected for the united provinces, ruled till 1866, when he abdicated, and was succeeded by Charles of the house of Hohenzollern. In 1877 the principality proclaimed its complete independ-

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ence, and this was recognized by the Congress of Berlin in 1878. In 1881 it was created a kingdom, and the prince became King Charles I.

The Constitution, which was originally adopted in 1866, was revised in 1884. Suffrage is limited to tax-payers; but as to them it is nearly universal. The Parliament consists of a Senate and Chamber of Deputies. Members of both houses are elected in part by a popular, and in part by an indirect, vote. Liberal provision is made for personal and political freedom. The king is aided in the administration by a Council of Ministers.

For local government, prefects are appointed for districts, who are associated with Councils in each district, elected by the people. The judicial department consists of a series of local courts, Courts of Appeal, and the Court of Cassation.

SERVIA.

AT one time an extensive territory was covered by the name Servia; but, as that term is now used, it designates but a diminutive State. It formed a part of Illyricum in the days of the Roman Empire. Later it was the camping-ground of the Huns, Ostrogoths, Avars, and other barbarians. In the seventh century the Slavonian Serbs were assigned the territory as vassals of the Greek Empire. Local self-government, to quite an extent, was practiced among the Serbs from their first settlement in this territory, and this led to a desire for a larger independence. But no permanent success was gained in that direction till the middle of the eleventh century. In 1043, Stephen established an independent principality in part of the Servian territory, and in a few years his successors took the title of king; other territory was, about the same time, added to their dominion. From the first a contest was kept up between this principality and Constantinople,—first with the Greek Government, and then with its successor, the Turks. In 1459, Mohammed II succeeded in incorporating Servia with the Turkish Empire. Turkish rule was even more brutal here than in most of her subject territory, and under it the country was largely depopulated and nearly ruined. Repeated attempts were made to secure independence, but without success till 1815, when a fresh revolt broke out, resulting, in the following year, in a partial independence and the establishment of a Provisional Government. There was great division of sentiment among the people, and a conflict of interest between parties seek-

ing to be leaders, which resulted in repeated changes in the Government.

In 1834 the Turks granted autonomy to Servia, reserving the payment of a stipulated annual tribute. The original ordinance or charter of Government was granted in 1838, and later a more formal Constitution was allowed, which was revised in 1869. At the Congress of Berlin, in 1878, the Powers granted the independence of Servia.

No titled nobility exists in Servia. Substantially, all of the peasants are free householders, among whom, to a large extent, community of property prevails. Suffrage is universal. Free compulsory education in the elementary branches is provided, and higher education is encouraged.

The Government, formerly tributary to Turkey, but now entirely independent, is a limited hereditary monarchy, with a responsible ministry. For some time the chief executive was styled prince, but in 1882, on the request of the Skupstchina, he assumed the title of king. The Senate, a body of but a few members, is no part of the Legislature, but forms the Council of State; its members are appointed for life by the Government. Presidents of communes, in addition to other duties, serve as justices of the peace. Each circle has a Superior Court of law, and over all is the National Court of Appeals. The independence of the judges is guaranteed. Local government is under the jurisdiction of circle and district prefects, appointed by the Government, and presidents of communes, elected by the people. The legislative power of the kingdom is vested in an Assembly, called Skupstchina, about three-fourths of whose members are elected by the people, and the remainder are appointed by the Government. This body is one of the most ancient institutions known in Servian history. If a vacancy on the throne occurs, or other great emergency arises, an Assembly three or four times as large as the regular one is convened.

BULGARIA.

MIGRATIONS AND CHANGES OF BLOOD.

THE Bulgarians, as they first appear in history, were a Finnic tribe, located on the Volga. Some of the more warlike and adventuresome of the tribe removed successively to the Don and the Danube during the fifth century. They were frequently seen in the vicinity of Constantinople, annoying the Byzantine Government. In the sixth century they were conquered by the Avars, but subsequently were able to throw off this yoke and again assume an independent position. Near the close of the seventh century the tribe again divided and dispersed in several directions. One part crossed the Danube, and settled in the territory which they have since occupied. Their contact and intermarriage with the surrounding tribes, which were mostly Slavs, caused them to lose most of their Finnic characteristics, and by the ninth century they had become a Slavic people.

EARLY GOVERNMENT.

The sovereignty of the tribe was hereditary in the ruling house till the middle of the eighth century, when the crown became elective. About the middle of the ninth century the khan assumed the title of king. In the last half

of the ninth century the tribe embraced Christianity, and became communicants of the Greek Church. In the middle of the nineteenth century, partly on account of political and national troubles, a large element of the people joined the Romish Church. Hereafter the king is to be a member of the Greek Church.

Early in the eleventh century the tribe became tributary to the Greek Empire. The dynasty of the Assanides was raised to power through a revolution near the close of the twelfth century, and reigned two hundred years, during which time they were almost constantly engaged in war with surrounding tribes and nations.

In 1389 the Bulgarians were conquered by Amurath, from which time they remained a province of the Turkish Empire till their autonomy was conceded. In 1856 they commenced to make demands for reform in government, local self-government, and their own judicial officers, none of which demands were granted by the Porte.

In 1862 the Russian Government began to intercede with other Powers in behalf of the Christian subjects of the Turkish Empire. This led to some reforms in the Turkish administration. In 1865 the Porte organized Bulgaria into a vizayet, or principality. In 1872 an exarchate was established for the separate government of the Bulgarian Church.

GOVERNMENT SINCE ITS INDEPENDENCE.

The general revolt of the Balkan States against Turkish oppression, which broke out anew in 1877, was merged in the war between Russia and Turkey, which was terminated by the treaty of San Stefano, March 2, 1878, by the terms of which Bulgaria was granted autonomy with a semi-independent Government, but left tributary to Tur-

key. This relation, with a Christian Government, was guaranteed by the great Powers at the Congress of Berlin in June and July, 1878, but Eastern Roumelia was separated from Bulgaria and given right to elect its own governor, subject to approval of the Porte.

The Assembly of notables provided for by the Congress of Berlin, assembled in Tirnova, February 22, 1879, for the organization of the Government. This Assembly, composed of two hundred and eighty-six members, partly the heads of municipal and administrative bodies, and partly elected by all Bulgarians except apprentices and day-laborers, declared itself a National Constituent Assembly. The Constitution was finally adopted, April 28, 1879. By its terms provision was made for a Sobranje, or National Assembly, consisting of one body, and composed of one representative for every ten thousand inhabitants, to be elected by practically universal suffrage. For revising the Constitution or electing a prince, a Great Sobranje was to be elected, to consist of three times the number of members composing the ordinary Assembly. The prince, first to be elected by the Great Sobranje, was to be hereditary. Slavery was prohibited, no title of nobility was to be granted, elementary education was to be free and obligatory, and the press was to be free.

On April 29, 1879, the Great Sobranje, elected for that purpose during the sitting of the Constituent Assembly, met, and elected Alexander of Battenberg, Prince of Bulgaria. He arrived in Sophia, which had been selected as the capital, and took the oath to support the Constitution on July 14, 1879.

In 1881, Prince Alexander suspended the Constitution, and called a Great Sobranje. This body clothed the prince with almost absolute power for a period of seven years. In 1883 the prince was forced to restore the Constitution

of 1879, but at the same time a Great Sobranje was called again to revise it.

In 1885, Eastern Roumelia arose in a general revolt, threw off its allegiance to Turkey, and united itself to Bulgaria. The great Powers were startled by this bold act; but, after a conference, Turkey was advised to accept the union as an accomplished fact.

The opposition of Russia to the Bulgarian Government as administered by Prince Alexander, led to his forcible removal from the country, and finally to his abdication in September, 1886. The Government was then administered by a regency till the election of Ferdinand, of Saxe-Coburg-Gotha, as Prince on July 7, 1887, by a Great Sobranje. He commenced his reign in August, without the approval of the great Powers.

GREECE.

GREECE as a family of petty States, democracies, republics, oligarchies; Greece as a part of the dominion of Philip and Alexander; Greece as a part of the Roman Empire, then of the Greek Empire of Constantinople; Greece as a subject district of the Sultan of Turkey,—may be, should be, thought of as furnishing the environment for the development of that peculiarly versatile people whose blood and traits of character have descended to and been perpetuated in the people who to-day inhabit the same territory, and who form one of the youngest of the great family of nations; but it is only of this young daughter, the Greece of to-day, that I shall speak.

REVOLT AGAINST TURKISH RULE.

The Turks captured Constantinople in 1453, and very soon thereafter Greece and the adjacent territory was under Ottoman control, and so remained until the revolution which established the present kingdom. Revolts broke out in various parts of Greece in 1821, many of which could not be suppressed, and the people gained confidence in being able to relieve themselves from the dominion of the Porte. A National Assembly was held at Epidaurus in 1822, which proclaimed the independence of Greece, and framed a Provisional Constitution. Under

this Constitution a native Greek, then living in Russia, was thereafter elected President. In 1828 he came to the country and assumed the duties of the office, and maintained some authority till he was assassinated in 1831.

The war continued from the time of the first revolt in 1821 till 1829, when it was practically closed, although there was some fighting thereafter. The Turks, and sometimes the Greeks in turn, were most barbarous, and the story of the war is a horrible one. England, France, and Russia came to the aid of Greece, and fought the decisive battle of Navarino in 1827, from which time Greek independence was assured.

ORGANIZATION OF THE NEW GOVERNMENT.

While the Greeks were attempting to establish their own Government, the great Powers, who had undertaken to secure independence and a stable Government to Greece, offered the crown of the new Government they were establishing to Leopold, of Belgium, who, at first, accepted; but, owing to some failure on the part of the Powers to meet his expectations, he subsequently declined. The Powers then selected for the position Otho, a Bavarian prince, who accepted the crown, and commenced his reign in 1833. Being still a minor, the Government was conducted under a regency till 1835, at which time the capital was removed to Athens, and Otho, having attained his majority, commenced his reign in that capital.

The treaty between the Powers and the Porte made no provision for a Constitution, and in this the people were greatly disappointed. Although Otho was clothed with nearly despotic power, his Government was, in the main, mild; but the people would not submit to the exercise of arbitrary authority. Ten years after Otho's selection, a

revolt was planned, and a popular demonstration, in which the army joined, was made in September, 1843, in favor of a Constitution. The result was that, after a slight hesitancy, the king yielded, and a political revolution was accomplished without the use of any force. A National Assembly was convened, which framed a Constitution that was approved by the king, and went into effect in March, 1844.

The contests for power that now developed between the natives and the large foreign elements that existed in the kingdom, added to the natural excitement incident to a struggle for place when a national election is held, produced a political convulsion which extended through several years. Some foreign complications arose, especially with England, growing out of claims for damage on account of the killing of certain of her citizens; but these were settled without serious trouble.

CHANGE OF DYNASTY.

About 1860 a feeling against foreign rule became prevalent. England's occupancy of the Ionian Islands was protested against, but could not be attacked. The anti-German feeling became intense, and resulted in a revolution in October, 1862. A Provisional Government was established, King Otho's deposition was unanimously decreed, and a National Assembly called. Otho, without formally abdicating, sailed for Germany. In December an election by universal suffrage resulted in the choice of Prince Alfred of England for king; but as the protecting Powers, England, France, and Prussia, had agreed that neither of these nations should furnish a king, he had to decline the offer. On March 30, 1863, the National Assembly, having already convened, unanimously elected to the throne George of Denmark, which choice was confirmed

by the protecting Powers in July. The king commenced his rule in October of that year. A little later in the year, by treaty with England, the Ionian Islands were formally annexed to Greece. The new Constitution formed by the National Assembly was not adopted till November, 1864.

CONSTITUTION AND GOVERNMENT.

This Constitution established an hereditary monarchy, administered through a responsible ministry. The king is required to take an oath to support the Constitution. He must be a member of the Greek Church, which is the prevailing religious body, although members of other Churches are free to practice their religion. The army is under the command of the king, and embraces a possibility of all able-bodied males of military age in service not exceeding twelve years.

A system of free, compulsory education is provided. Justice is administered by a system of courts from justices of the peace to a Court of Cassation. Nobility is abolished, and all citizens have equal rights before the law. A system of local administration of municipal, provincial, and local affairs, through officers largely of their own selection, is committed to the people. There are few restrictions on suffrage. The Legislature consists of a single Chamber, which shares with the king all legislative authority. It is to be convoked within two months after the accession of a new king. It meets annually, and elects its own officers.

GERMANY.

THE HOLY ROMAN EMPIRE—GENERAL VIEW.

It is not an easy task to clearly comprehend the Constitutional law of any country. Probably no European nation has had a Constitution more difficult to master, in all its details, than was that of Germany during the existence of the Holy Roman Empire. And yet a knowledge of the fundamental law of that period is essential to an understanding of that of the present German Empire.

The main portion of the Holy Roman Empire formed a part of the Western Empire of Charlemagne, and of his successors for nearly a century longer. Much of it was at that time peopled by tribes of barbarians, each having its own laws and customs. Under the Carlovingian rule these tribes developed into six distinct States or Provinces, each ruled by a duke, and which, at the extinction of the Carlovingian rule, became independent Governments. Several of them had written codes of laws, and each had its immemorial customs, which formed a sort of Constitution or fundamental law.

It may fairly be presumed that the first Government established by the election of Conrad I, and his successors, was understood to be a confederated monarchy. Each State was to remain practically independent in most respects. The States were of one family, the people comprising them kindred in blood. They were naturally

drawn together. As leadership must be conferred on some one, it was decided to make one of the dukes king for life. The crown was to be elective.

When Otho I, in 951, was called into Italy to assist in expelling an army of barbarian invaders, and again in 961, when he received the imperial crown, a people of a different tongue, though of a kindred race, was brought under his rule. And from this time, in place of the original kingdom, we may date the institution of the Empire.

The change from a Kingdom to an Empire did not make any permanent change in the Government of Germany. An election, whether made in the lifetime of the emperor or after his death, conferred only the title of King of the Romans, but gave the person thus elected the right of becoming emperor on being crowned by the pope in Italy.

Historians are generally agreed in naming four imperial acts as forming at least the basis of the Constitution of the Empire, viz. : 1. As the first fundamental law entering into this Constitution they name the Golden Bull of Charles IV, proclaimed in 1356, by which the succession to the crown was regulated, and the number, territory, and privileges of electors were declared. 2. The second of these fundamental laws is the edict of general peace passed by the Diet in 1495, the object of which was permanently to suppress the private wars which had prevailed through Germany for hundreds of years, and especially during and since the great interregnum occurring in the last half of the thirteenth century. As a part of this Constitutional provision, though not usually named with it, should be reckoned the establishment of the Court of the Imperial Chamber by the same edict, in the same year. 3. The peace of religion is the third part of this Constitution. The necessity for this rescript sprang out of the conflicts

following the Protestant Reformation. It was passed by the Diet of Augsburg, in 1555, to carry out the treaty of Passau of three years before, which had put a stop to the religious wars that had raged so much of the time since 1521. By virtue of this law the Protestant religion was placed on something near an equality with that of Rome. 4. New causes of discord between Romanism and Protestantism brought on the Thirty Years' War, which was terminated by the Peace of Westphalia in 1648, and this treaty of peace forms the fourth of the fundamental laws of this Constitution. By this peace, both political and ecclesiastical questions were settled, and better security for civil and religious liberty was provided than had before existed in the history of the Empire.

No one can question the importance of each of these four acts; but I should hesitate before giving my assent to a proposition limiting the fundamental law of ancient Germany to these. I should hardly feel like selecting any certain number of laws, however important, and affirming that the Constitution of such a country as Germany could be read in them alone. The acts of Frederick II, by which the independence of the princes and the Provincial States was guaranteed, is hardly inferior as a fundamental law to the Golden Bull by which the privileges of the electors were secured. The election capitularies of the various kings, commencing with those of Charles V, in 1521, were quite as important in securing an observance of the laws of the realm and the preservation of the rights of the people as were some of the acts which have been named as Constitutional. The acts above named are an important part of the Constitution, but they are not all of it. He who would minutely trace the Constitutional law of Germany must seek it in the ancient customs of the people, in the codes of laws that were promulgated under the Frankish

kings, in the edicts, capitularies, and other expressions of royal favors granted to towns and provinces, and in a hundred other manifestations of the supreme will. In the following brief sketch I do not propose to do more than indicate lines of investigation, and announce some results. He who wants the minutiae must seek it in more extensive works.

Early in his reign, Otho I was called to Italy by Berenger II to assist in expelling the Hungarians and Saracens. Berenger then consented to hold Italy as a fief of Germany, and Otho received the iron crown of Lombardy. In 961 Otho again came into Italy, and received from the pope the imperial crown, from which time Italy was ranked as a province of the German Empire. Soon after the election of Conrad II, in 1024, the Archbishop of Milan and a number of the leading noblemen of Lombardy appeared before Conrad at Constance, where the emperor was then staying, and tendered to him the Lombard crown. This was taken as a new title of the Emperor to Italy. A more direct claim to Naples was given by an event which took place in 1186. Henry, son of Frederick Barbarossa, afterwards Henry VI, married Constance, the last heir of the Norman line, and thus united that kingdom to the crown of Germany. The number of States belonging to the Empire at different times before its dissolution are said to have exceeded three hundred.

TERRITORIAL EXTENT.

The territory included, rightfully or by claim of right, in the German Empire varied from time to time. When Clovis commenced his system of conquests, the German territory was divided between seven great tribes; viz., the Swabians, on both sides of the Danube above the Lech;

the Frisians occupied the present territory of Holland; the Saxons extended from the Baltic to the Rhine; the Franks on both sides of the Rhine north of the Main; the Alemanni were on both sides of the Upper Rhine; the Thuringians west of the Sale, between the Hartz Mountains and the Danube; the Bavarians north of the Danube. The territory did not vary greatly from this at the time of the extinction of the Carlovigian dynasty and the division into Gaul and Germany. At the accession of Conrad I, tribes of Slavonic origin, called Vendi or Vandal, occupied the southern coast of the Baltic from the Elbe to the Vistula. Under the reign of Frederick I (Barbarossa), Henry the Lion, Duke of Saxony, and Albert, Duke of Brandenburg, conquered this country, and the Duchies of Mecklenburg and Pomerania were erected out of the conquered territory, and added to the Empire. Henry I, the Fowler, and the Othos made large acquisitions of territory on the East. As early as the time of Henry I, Bohemia acknowledged itself a fief of the Empire, and its dukes, or kings, became imperial electors; but its connection with the Empire was never close. After several centuries of contest, conquests were made and elections obtained whereby the imperial family became kings of Hungary, and, to a limited extent, this kingdom became a part of the Empire. Even Poland and Denmark were sometimes claimed as belonging to the Empire, but neither had much to do with the imperial rule. The King of Denmark acknowledged himself a vassal of Otho I, and the kingdom remained subject to the emperor for two hundred years. The Netherlands were recognized as a part of the Empire while they were under the control of the house of Austria. In 1032, on the death of Rodolf III, of Burgundy, by will or otherwise, a part of the territory embraced in the kingdom of Burgundy or Arles, including

Switzerland and the mountain provinces, was united to the Empire. But in 1500 the Swiss cantons, through efforts extending over two hundred years, acquired their independence, although the same was not fully recognized till the Peace of Westphalia in 1648.

GLIMPSES OF EARLY GERMAN LIFE.

A little knowledge and a great many surmises concerning the development of the German tribes prior to the establishment of the Merovingian line of kings, constitutes the information contained in the books. I shall not spend much time in guessing as to who has made the most probable guess concerning various features of barbaric laws and customs. A few things are fairly well attested, and they are probably sufficient to illustrate this period of Germanic life as far as is necessary for the purposes of this historical sketch. About some of the matters here stated there is diversity of views among historians.

When the Romans came in contact with the savages, they found them living in detached or isolated dwellings rather than in villages, holding their lands in common. The various districts were governed by their chiefs in time of peace, but by a military leader, having almost absolute power, in time of war. Both their chiefs and military leaders were elected by the freemen of the tribes. The former was chosen, partially at least, because of nobility of birth, but the latter wholly because of his physical prowess. Slavery was recognized as a regular condition of society. While the slave was at the absolute disposal of his master, he was usually treated with consideration; but he had no voice in the Government. General Assemblies of the tribe were held, in which all freemen participated. In these Assemblies, elections of the king, military leader, and

tribal chief took place. Here, also, offenders were tried, although minor matters were disposed of by the chiefs in the presence of the Assembly of the Hundred in the various cantons. All crimes, except those against the State, could be compounded by the payment in property of a fine, a part of which went to the king, and a part to the injured party or his relatives.

During the first century of our era these tribes, which had theretofore pursued a nomadic life, seem to have become settled communities, and each member to have acquired a separate homestead in the land which he cultivated, and a right to the commons in the forest and pasture. There were great differences, as well as many similarities in the customs developed among the various tribes, and the same feelings of jealousy, rivalry, and hatred sprang up between the tribes as have since characterized the conduct of the nations which have been their successors. The seven tribes into which the Germanic people were at that time divided began to come under the dominion of the Franks during the reign of Clovis, towards the close of the fifth century; and during the reign of Charlemagne the supremacy of the Franks became complete.

The conquerors permitted the vanquished to retain their own laws, which were considered personal rather than local in their application, so that a party was tried by the law of his own people wherever he might be. Between the latter part of the fifth and the early part of the ninth centuries, under the direction of the Frankish kings, there were drawn up the Salic, Riparian, Alemannic, Bavarian, Frisian, Saxon, and Thuringian codes, all of which underwent frequent revisions. Different grades of society are recognized by all of these codes. Historians differ as to whether a party's rank in society can be definitely de-

terminated by the amount of fine (Wergeld) that was assessed for the loss of life or injury to his person. There can be no doubt, I think, that, in a measure at least, the fine was levied in accordance with rank. Nobility was said to have been hereditary in some of the German tribes; but if this was the case, it gave no such rights as were afterwards claimed by the hereditary nobility in the countries peopled by these German tribes. By the time the Franks had attained anything like supremacy over the other tribes, they had established an hereditary monarchy, which was little, if any, short of absolute. It embraced within its authority the executive, legislative, and judicial departments. However, the rule of primogeniture did not prevail; but on the death of the king his sons inherited equally, and divided the kingdom between them. The spring meeting of the Leudes held by the early Merovingian kings was an advisory council, whose opinion the king took, but was not compelled to follow, nor did it possess any real legislative power. Local assemblies were held under the presidency of the grave, or chief officer of the canton, principally for the administration of justice. At least seven freemen, who acted as assessors, were necessary, in connection with the grave, in the trial of a case.

At an early day there came in vogue among the Franks, and probably in other tribes also, a practice known as commendation, whereby a freeman placed himself under the protection of some one more powerful than himself, rendering to his protector some kind of service in return. Following and growing out of this was the system of vassalage in which a freeman, called a vassal, entered the service of some more powerful freeman who became his senior. A vassal under the Carolingians was substantially the same as an antrustion under the Merovingians. Those vassals who served under the king became the nobility.

As a feature of commendation and vassalage was the system of benefices by virtue of which a vassal received from his senior a quantity of land which he held under certain conditions. Historians are not agreed as to whether all benefices were originally held only for a term of years or for life, while the right of alienation followed as an outgrowth, or whether, from the very start, various modes of holding prevailed; some being for years, some for life, and others in perpetuity. I am disposed to adopt the latter view. Many of the bishops and nobles acquired large tracts of land to which were attached special privileges known as immunities. The jurisdiction thus conferred took much of the authority from the graves. The feudal system was but the natural outgrowth, under a military spirit, of the system of vassalage which had long prevailed, and at the close of the Carlovingian rule was in full operation throughout the German territory.

CHOICE OF EMPEROR.

It is impossible to give anything like a full and definite account of the origin and development of the German electoral system. Some facts are known, and a great many conclusions rest only on conjecture. It seems to have been the permanent and settled policy of the German people to make their king elective, while it was the constant policy of the kings, after their election, to make the crown hereditary in their own line. When Charles the Fat, the last of the legitimate descendants of Charlemagne who was acknowledged as emperor, and who ruled over both Germany and Gaul, was deposed in 887, Arnulf, a natural son of Carloman, son of Lewis the German, probably on account of his Carlovingian descent, was elected king by most of the chief men of the German tribes. He succeeded

in transmitting his royal authority to his son, Lewis the Child; but this latter, the last of the Carolingian race in Germany, died without issue, leaving Germany without a ruler.

The executive was called King of the East Franks and Saxons till the time of Henry II, when the title was changed to that of King of the Romans.

At this time Germany consisted of five independent nations, each under the rule of a duke—Franconia, Swabia, Bavaria, Saxony, and Lorraine. In what seems to have been, so far as we can determine, a General Assembly of the representative men of the tribes, held in 911, they elected as their king Conrad I, Duke of Franconia. On his death without issue, in 918, a similar Assembly was held in which Henry I (The Fowler), Duke of Saxony, was chosen as his successor. While the form of an election was still maintained, the crown now became practically hereditary in his house, as much so as was the crown of France or England. Henry was succeeded by the three Othos, the last two of whom were selected in their infancy, while the king was still living, as their father's successor. Otho III, having no issue, was succeeded by a collateral heir, Henry II, Duke of Bavaria. Upon his death without issue, in 1024, the Saxon line became extinct. There is extant a full account of the election of the next king. According to this account all the leading men of the kingdom without exception, both spiritual and lay, assembled with their followers on both banks of the Rhine, between Mentz and Worms, where they encamped for some time. A number of candidates for the throne were presented, but they were finally reduced to two. At this election the Archbishop of Mentz seems to have taken the leading part, and to have exercised the most authority, a position he thereafter maintained. Whether or not he

had attained such position before this we are not able to say. The choice of the princes finally fell on Conrad II (the Salic), Duke of Franconia, in whose house the crown remained for a hundred years, and descended regularly through the three Henrys—III, IV, V. On the extinction of the Franconian line by the death of Henry V without issue, in 1125, it was determined not to admit any claims of heredity, and to make the crown, practically as well as theoretically, elective. From the account left of the next election it appears that an Assembly, very similar to the one that had gathered there a century before, was now convened on both sides of the Rhine at Mentz. It resulted in an angry discussion and a tumultuous contest, which lasted three days. At some time during the proceedings a committee consisting of ten, according to what seems to be the best rendering of the text, was appointed to select an emperor, in which choice the Assembly promised to acquiesce. Three candidates were finally presented, and from these the Assembly chose Lothaire, Duke of Saxony. The plan here started of leaving the choice of emperor to ten representatives seems to have been thereafter followed, and is probably the origin of the German electoral system. While it is not certain that the choice by electors was definitely fixed at that time, there are events which point in that direction, if they do not directly prove it. In 1156 Frederick I granted to Austria a famous privilege, and made the newly-created duke rank immediately after the *electoral princes*. Innocent III, in 1198, claimed that in the election Otho had a majority over Philip of those to whom a right of election chiefly belonged.

When the number of electors was definitely fixed at seven is uncertain. It has been claimed that it was so fixed by a law of Otho's in 1208, but it is not certain that this law is genuine. If it had been so fixed at that time, an

exception occurred in electing Conrad IV King of the Romans; for then four ecclesiastical and two lay princes concurred with the seven in the election. At least during the twelfth century all the princes retained their right of consent, although the election was confined to a limited number. It is impossible to determine not only *when* but *how* the choice came to be given to seven, and also why those on whom this right was conferred were selected. Perhaps at the time they were first designated the privilege was considered as connected with the discharge of some of the duties of some of the great offices of the imperial court. At least as early as the Diet of Mentz in 1184 the Duke of Saxony was recognized as archmarshal, the Count Palatine as archsteward, the King of Bohemia as archcup-bearer, or butler, the Margrave of Brandenburg as arch-chamberlain. This may account for the selection of these four, but why should the other electorates have been conferred on the Archbishops of Mentz, Treves, and Cologne, rather than on three of the popular dukes; for instance, those of Franconia, Swabia, and Bavaria? For a time Bavaria claimed, and was allowed, a vote in place of Bohemia, and it was not till 1290 that the right of the latter was fully recognized. Sometimes the vote of the Palatinate was in two branches of the house. There was some irregularity in the voting and some disputes as to the right until the matter was definitely regulated by the Golden Bull.

In 1356, Charles IV issued the decree, known in history as the Golden Bull, by which he designated definitely the territory to which a vote in the electoral college attaches, and provided that such territory could not be subdivided, but should descend to the oldest male heir. The number of electors was fixed at seven, and they were to be the Archbishop of Mentz (Archchancellor of Germany), the

Archbishop of Cologne (Archchancellor of Italy), the Archbishop of Treves (Archchancellor of Arles), the King of Bohemia (Archseneschal), the Count Palatine (Archsteward), the Duke of Saxony (Archmarshal), the Margrave of Brandenburg (Archchamberlain). The college was to be convened by the Archchancellor of Germany, and the place of meeting was fixed at Frankfort.

During the Thirty Years' War the Duke of Bavaria having conquered the Palatinate, at the Diet of Ratisbon, held in 1623, the Palatinate, together with the electoral vote, was transferred to Maximilian, Duke of Bavaria. At the Peace of Westphalia, in 1648, the Duke of Bavaria was allowed to retain the Upper Palatinate with an electoral vote; but the Lower Palatinate was restored to the family of Frederick, from whom it had been taken, and an eighth electoral vote was created in his favor. During the War of the Spanish Succession, in 1692, a ninth electoral vote was created in favor of the Duke of Hanover. The authority thus conferred on the electors made them a great power in the Empire, and on several occasions they assumed and exercised the right to depose the emperor.

During all the earlier years of the Empire, while an election and crowning in Germany entitled the person thus crowned to become emperor, he was not considered emperor, nor allowed to assume that title, until he had made a journey to Italy and been crowned by the pope. In one or two instances this formality was dispensed with, and the pope gave his consent for the king to assume the title of emperor and to exercise imperial authority without being crowned. It was the common practice for the electors, during the life of the emperor, to choose his successor, who on the death of the emperor was entitled immediately, on taking the proper steps, to succeed him. Until the death of the emperor, and, indeed, until his crowning by

the pope, he was known after his election and crowning as such, as King of the Romans.

After the abdication of Charles V, in 1555, his brother, Ferdinand I, who had previously been elected and crowned King of the Romans, applied to the pope for permission to appear and assume the imperial crown. This the pope refused, on the ground that Charles should have resigned the crown to the pope, from whom he had received it, and also because Ferdinand's election was invalid, as some of the electors were tainted with heresy. The Diet then declared it unnecessary to be crowned by the pope, and from this time on the formality was dispensed with; a party became emperor by right of election. As early as 1338 the Diet had declared as a fundamental principle that the imperial dignity depended on God alone, and that whoever should be chosen by the electors became both king and emperor without the approbation of the pope. However, the emperor-elect continued to seek the coronation by the pope until the time of Ferdinand.

Prior to 1520, upon his coronation, the emperor had promised verbally to maintain Germanic privileges; but upon the election of Charles V the electors prepared a written statement capitulating the ancient privileges, including the legislative rights of the Diet, which they required Charles's ambassador to sign before the election, and which Charles was required to ratify before his coronation in 1521. At each subsequent coronation the capitulation was required to be taken by the emperor-elect.

It was not till the time of Frederick III that the residence of the imperial court was fixed at Vienna.

On the election of Charles VI, in 1711, new safeguards were given the States of the Empire against imperial aggression by the adoption, by the electors, of the Perpetual Capitulation, whereby it was provided that the emperor

was not to assemble any Diet or Council to consider the affairs of the Empire without summoning all the princes and States; he was not to wage war, conclude peace, or enter into any alliance, without their consent; no prince was to be put under the ban of the Empire without their authority; he was not to appropriate or confer on his family any confiscated territory; no election of King of the Romans was to be made during the life of the emperor, unless he was long absent from Germany, or by infirmities rendered incapable of conducting the business of the Empire; no new electorate was to be created without the consent of the electoral college; each prince was at liberty to enter into alliances with other princes of the Empire, or with foreign Powers, when not contrary to the interests of the Empire.

THE NOBILITY.

The German nobility consists of a number of distinct classes. Nothing like a designation or description of each class will be attempted here. Originally, duchies and counties were but temporary governments, and were subject to be resumed by the crown at its pleasure. From this they advanced to permanent divisions, and dukes and counts became hereditary officers; but the progress in these offices gaining the hereditary quality was much slower in Germany than in France. The right of inheritance had not been fully established during the Saxon line of kings, although the heir frequently, perhaps usually, succeeded his father in the Government; but under the Franconian line of kings the inheritable quality was attached to all the chief positions in the Empire. While the right of inheritance was slow in developing, by a counter-vailing principle the king could not retain or annex a fief

to his dominions. The German dukes, even after their dominions became hereditary, did not succeed in compelling the chief nobility within their dominions to hold the lands in fief, as the peers of France had done.

The royal domains embraced spiritual as well as temporal fiefs. All the great Church officials—such as archbishops, bishops, abbots, and the like—held directly of the crown, and their holdings were sometimes called scepter fiefs; while the principal temporal royal fiefs—those held by dukes, margraves, palsgraves, landgraves, graves, and the like—were frequently denominated banner fiefs. From the close of the twelfth century the holders of both scepter fiefs and banner fiefs were termed princes. Prior to that time the term had been used somewhat indiscriminately in reference to all the nobility. Counts seem to have been separated from the princes, and to have lost their right to vote in the Diet in the twelfth century. Barons were extensive landholders, with important immunities. Besides the classes I have indicated, there was a large number of untitled nobility, many of whom were only subject to the emperor.

Formerly, the princes all participated in the choice of king; but that right was finally placed in the hands of seven electors. The princes were a constituent part of the Diet, and each was the presiding officer in his local States. Within his own jurisdiction each was, in most matters, practically supreme.

In 1220, Frederick II issued an edict by which he agreed never to levy the customary imperial dues without the consent of the States of the Empire; and in 1232 he agreed not to exercise, by his palatine judges, jurisdiction within any of the States of the Empire. Thus taxation and original jurisdiction in legal matters were taken from the Empire, and conferred on the States. These concessions amounted

to little less than the abdication of sovereignty, and from this time the independence of the princes and the States may be dated.

CONTESTS FOR POWER.

Almost from the first it was the purpose of those possessing royal authority to make their rule hereditary, and to throw around the power they possessed such accumulated safeguards as would enable them to retain all the authority which, at any time, came into their hands, and to add to it from time to time as they were able, and to transmit all power thus received and acquired to their successors. At the organization of the German monarchy the feudal system held sway over the entire territory, and it was difficult for royalty to make headway against the independent spirit of the feudal nobility. But the Saxon line of kings, being themselves powerful feudal lords, acquired, accumulated, and transmitted to their successors a large amount of royal authority. However, during this time the rule was asserted on the part of the nobles that the king could not unite a fief to his dominions, or even retain one he already had; so that, on his election as king, a duke had to resign his duchy. Otho I attempted to get over this difficulty by resigning his fiefs to members of his family. But later kings attempted to ignore the rule altogether. Henry III assumed more power than had been possessed by any of his predecessors; he deposed dukes, retained in his own hands duchies, and in various ways was the most absolute ruler Germany ever had. These usurpations inspired the nobility to a united resistance against royal aggressions, and were the cause of most of the troubles of Henry IV. To the domestic troubles of Henry IV were added the efforts of the pope to regain the right of ecclesiastical investitures which had been gained from

him by Henry III. The great power put forth by Gregory VII was sufficient to cause most of the papal demands to be conceded by Henry V. There was an apparent revival of royal prerogative under Frederick Barbarossa; but it was only temporary. The contested elections, and the long interregnum that existed during the thirteenth century, were not conducive to the strengthening of royal authority. With occasional efforts to change the current, none of which was more than temporarily successful, there was a steady decline in royal authority from the time of Henry III to the middle of the fifteenth century, when the elevation of the Hapsburgs to the imperial chair turned the course of events in a different direction.

THE IMPERIAL DOMAIN.

Originally the domain belonging to the chief of the Empire was very great; he possessed large tracts in nearly every province. Besides these possessions, the territory on both banks of the Rhine, which was afterwards occupied by the counts palatine and the ecclesiastical electors was the exclusive property of the emperors till the thirteenth century. This domain being considered as amply sufficient for the maintenance of the royal dignity and for his support, the emperor was expected, if not required, on his election, to grant away his patrimonial estates. This rule seems to have been fairly well observed till the fourteenth century. But the struggle which Frederick II had with his own nobles and with the pope, and the confusion in government that followed his reign, caused the imperial domain to be almost entirely dissipated, and what remained was thereafter alienated by Charles IV. The loss of these royal domains necessarily caused a change in the Constitution respecting the support of the royal household and

the upholding of the imperial dignity. Louis of Bavaria, in the first half of the fourteenth century, was the first of the emperors, since very early times, to retain his hereditary estates.

THE DIET.

Like most governmental institutions, the German Diet was a matter of growth. No Government, however arbitrary, can wholly ignore the wishes of the subjects, or, at least, of the most influential members, on whose judgment and approval the success of many measures must depend. The great Councils of Charlemagne were the manifestation of his feeling of individual need of the assistance of his subjects in the administration of a great Empire. They were not suffered to be a permanent and settled feature of Government, nor were they called as such, and yet they contained the germ of what must, in some form, find expression in almost any Government. The great men of the kingdom must be called together for consultation, at least occasionally, by any one who will wisely govern his people. From the first the German kings must have held meetings of this kind in which the various interests of the Empire would find expression. Naturally the nobility would be the first whose counsel and assistance would be sought, and, unquestionably, they formed the Councils of the early German rulers. When the right of choosing a king was taken from the general body of the nobility and given to a select number, the latter very naturally came to be looked on as a body separate from the rest of the nobility, and as forming a sort of exclusive aristocracy. On the growth and development of the cities their great and varied interests could hardly be ignored by the Government, and so their representatives were called into the General Council. No one knows when all of this took

place. And it is especially impossible to determine just when representatives from the cities first became members of the Diet. On this, as on many questions, historians differ. Unquestionably their admission into the Diet was gradual, and the right of such representatives to a seat in that body was not conceded at once, nor did it depend on any one act of the emperor or of the Diet itself. Representatives from the cities were present at a great meeting held at Worms in 1255, during the reign of William of Holland; but whether or not this is to be reckoned as a Diet may be questioned. Delegates from cities appear to have been members of the Diet in 1291, when Rudolf renewed his oath to the princes, lords, and cities. They are mentioned as one of the orders in the Diet of Henry VII, and are referred to as the third College in the Diet of Frankfort in 1344. It would seem, therefore, that before the middle of the fourteenth century the Diet was constituted, and it was thereafter permanently maintained, of three Colleges,—electors, princes, and representatives from cities.

The three Colleges sat separately to deliberate. The College of Deputies from towns could prevent the passage of any measure; but prior to the Peace of Westphalia, in 1648, it had no vote on the final determination of any question. The Colleges of Electors and Princes sat and voted together as one body on the final decision of any matter.

The Diet had to do with ecclesiastical as well as secular matters until the pope got such control in the Empire as principally to take all ecclesiastical questions under his own jurisdiction.

Diets were judicial as well as deliberative and legislative bodies; they had cognizance of questions affecting princes, and also of many other matters submitted to the king, but on which he could not act alone. The enforcement of the

decrees of the Diet was had through the police or army under the control of the circle in which opposition existed. Diets were held at irregular intervals during the time they were convened by the crown; but the Diet which met at Ratisbon in 1663 became permanent, and its sessions continued till the dissolution of the Empire in 1806.

GOVERNMENT OF THE PROVINCES.

By divisions and combinations, occurring in various ways, important changes were made from time to time in the territorial boundary and general make-up of the five great duchies which existed at the time of the formation of the German monarchy. The various principalities composing the Empire were limited monarchies, having, in general, on a reduced scale, the Constitution of the Empire; and yet each had its own peculiar customs and laws which were fundamental in its Government. The Government of these provinces was necessarily affected by the variation in the authority and prerogatives acquired or lost, from time to time, by the emperor. Also, these Governments varied according as the principles of feudalism were strong or weak in their influence on the forms and machinery of Government at various times.

The local government among the Franks was administered by a royal officer, called a *grave*, who was the chief executive, financial, judicial, and military officer of the canton. Enlargement of the territorial rule and of the powers of this officer led to the creation of *margrave*, *landgrave*, *palsgrave*.

While the duchies and counties remained merely offices of Government, as originally constituted, they were not subject to partition among the children of the persons filling them, even though they were hereditary. But after the

time of Frederick II, when the crown had virtually relinquished sovereignty, a different custom came to prevail. About the beginning of the thirteenth century the rule began to be observed of making an equal partition of the inheritance among all the children of the deceased ruler, without regard to priority of birth. Sometimes the children held the inheritance in common and ruled jointly; but more usually a division was made. By this means numerous independent principalities of the same house came into being. After a while the practice came into vogue of making family compacts, whereby the fief was kept from escheating to the Empire by having it revert to other branches of the family on the extinction of heirs in one house. By the Golden Bull of Charles IV, in 1356, the electoral territory—the district to which the electoral suffrage attached—became incapable of partition, and was to descend to the oldest son. In the fifteenth century the margrave of Brandenburg first set the example of establishing primogeniture by law for all his subjects.

While, during this time, in most of the Governments of Europe, royalty was strengthening itself and becoming more absolute, in Germany, from the time of Henry III, whose reign closed in 1056, the imperial authority was in a state of gradual decay. In the first half of the thirteenth century, Frederick II had so much opposition at home, and was so much occupied with his contests in Italy, where he was especially anxious to maintain his authority, that, in order to secure the support of his German subjects in his Italian campaigns, he relinquished many of his claims to imperial prerogatives in Germany. By this means, in his reign, the provinces regained their independence, and from this time the royal authority in the provinces was comparatively small.

Each province had its own Provincial State, corre-

sponding to the Imperial Diet, composed of the prince, his immediate vassals, and his immediate towns within his dominion. No tax could be imposed without their consent, and in all important matters affecting the principality they had to be consulted. In a disputed succession to the duchy the Provincial States sometimes decided, although that was usually considered as a question belonging to the jurisdiction of the emperor. The States concurred with the princes in making laws, except on such questions as of right belonged to the Diet.

ADMINISTRATION OF JUSTICE.

Originally the administration of justice was exercised by the king in person, and, later, either by himself personally or by a count palatine, a royal officer who always attended his court. Both before and after the regular establishment of the Imperial Diet the rights of princes were largely determined in an assembly of their peers. Perhaps the extent of the jurisdiction of the Diet as a judicial tribunal was never absolutely limited and determined. In the provinces the dukes exercised authority similar to that belonging to the king; but in order to prevent their superseding royal influence, Otho I appointed provincial counts palatine, which practice continued during several reigns; but in proportion as the dukes became influential and independent these offices became unimportant. In time the administration of justice by the king in person, or by his count palatine, substantially ceased, although his right to preside in the Diet, when sitting as a judicial tribunal, continued through the whole history of the Empire.

There were a number of local courts of different grades established for the departments, with greater or less civil

and criminal jurisdiction. The courts in the crown lands or royal demesnes were presided over by advocates or other officers appointed by the crown, while territorial lords presided over courts in their jurisdiction. In nearly, or quite, all of the courts of the Empire, general and local, assessors sat with the presiding judge to assess fines and determine questions submitted to them. The number, jurisdiction, and character of these courts differed greatly from time to time, and it is not deemed best to enter here into any detailed statement of their work.

Aside from the reserved right of the emperor to preside in the Diet and in other courts, the first attempt made to establish an Imperial Court was by Frederick II, in 1235. A court was then established and a judge appointed to sit daily, with assessors, half nobles and half lawyers, with jurisdiction over all causes in which a prince of the Empire was not interested. Several emperors who succeeded Frederick tried to perpetuate this system; but in time it fell into disuse, and at the accession of Maximilian I there was no general court in the Empire.

With occasional efforts of the emperors, sometimes partially successful, to suppress it, private wars may be said to have been the rule in Germany till the time of Maximilian I, at the close of the fifteenth century. These wars seldom ended in conquests or the extinguishment of the weaker side, but were more in the nature of robbery and pillage. It had grown to be such an intolerable hardship that the people demanded relief. At the Diet of Worms, held in 1495, all attempts theretofore made to suppress it were consolidated and embodied into a general enactment whereby the right of defiance was denied and prohibited, and all private war was perpetually abolished.

At the same Diet the court known as the Imperial Chamber was established, consisting of a chief judge

chosen from among the princes or counts, and sixteen assessors, part nobles and part lawyers. The judges were named by the emperor, with the approval of the Diet. It had original jurisdiction only in those cases affecting parties who held immediately of the king. It had appellate jurisdiction, first, in private cases from decisions of the local tribunals of the electors and princes; and, second, in cases between two States of the Empire from decisions of arbitrators—Austregnes—chosen among States of the same rank. The composition, organization, and jurisdiction of this court underwent several changes from time to time. For the enforcement of the judgments of this court, the Empire, with the exception of the several electorates and the Austrian territories, was divided into six circles in 1501. In 1512 these exempt territories were included, and four more circles were added. Each circle had its Council of States, its director who was to convoke them, and its military force to compel obedience. The police of the circle were to enforce the decrees of the Imperial Chamber against any refractory State of the Empire.

Some time after the establishment of the Imperial Chamber, Maximilian I established the Aulic Council, composed of judges appointed by the emperor, and whose sitting was to be in Vienna. It had only appellate jurisdiction, co-ordinate with the Imperial Chamber in all cases, and exclusive in feudal and a few other cases. It was intended to preserve the royal prerogative, which was thought to be somewhat encroached on by the Imperial Chamber.

About 1500, under the same public pressure that had secured from the emperor the establishment of the Imperial Chamber, he established a Council of Regency to govern in the absence of the emperor, composed of a president and twenty councilors, appointed by the several

interests of the Empire. When Charles V came to the throne, in 1521 he caused some changes to be made in the organization of this Council; but in substance it was continued and became a permanent body of the Imperial Government.

By the Peace of Westphalia, in 1648, it was provided that the States of each province might make alliances, not only among themselves, but also with foreign Governments. They were thus given sovereign power, and for their government and protection could invoke the aid of foreign princes.

CITIES.

Ancient Germans considered it degrading to dwell in towns or cities. With the exception of those on the Rhine, built under the Roman rule, there was no city or large town between the Rhine and the Baltic prior to the ninth century; so that German cities grew and developed under very different influences from those which controlled the development of Italian cities. Under Charlemagne and his successors the condition of Germany so improved that people began to accustom themselves to dwell together. The bishoprics and archbishoprics that were founded had their seats in the chief towns, founded about that time, and these became centers of religious activity which drew many persons to them. Henry the Fowler founded many cities during his reign in the first half of the tenth century, surrounded them with walls, and induced many of the nobility to take up their residence in them.

German cities were divided into those that were situated on the imperial domain, which were dependent immediately on the emperor, called imperial cities, and those that were included in the territory of a duke or count, and were considered a part of his fief. Imperial judges resided

and dispensed justice in the first, while the lord or baron was supreme in the second. Prior to the twelfth century, municipal privileges were enjoyed only by the upper classes of freemen, and up to that time it does not appear that in any German city the inhabitants had acquired the privilege of choosing their own magistrates. But Henry V granted to the cities many privileges, and especially to the inferior townsmen and artisans in the imperial cities, many of whom he enfranchised. He sometimes took away the temporal authority of the bishops, and made the city more immediately dependent on the Empire. The citizens were classed in companies according to their occupations. Under Frederick I began the custom of cities choosing their own magistrates, who, at first, only acted as assistants to the imperial or episcopal bailiff; but in the thirteenth century, by purchase or usurpation, they acquired complete jurisdiction.

The revolutions in the provinces, the fall of the Hohenstauffen dynasty, the extinction of the dukedoms of Swabia and Franconia, completed the enfranchisement of the cities, and enabled many which had been dependent on a lord to become directly dependent on the Empire instead. The feebleness of the Empire at this time made it possible for most of the imperial cities to acquire for their citizens, by purchase or otherwise, all the rights of freemen.

No evidence exists showing the exact time when cities gained representation in the Imperial Diet; but their first appearance in that body, probably, dates from the great interregnum in the Imperial Throne in the last half of the thirteenth century. During the next century their right as one of the constituent Colleges of the Diet was fully established. Their admission into the Diet was a tacit acknowledgment of their enjoying equal sovereignty with the electors and princes.

The emperor was the natural friend, while the prelates and nobles were the natural enemies, of free cities. In Western Germany, almost a constant warfare was carried on between the possessors of fortified castles and the inhabitants of fortified cities. It was the policy of cities to offer the privileges of burghership to all strangers who settled therein. This enabled disaffected vassals of feudal lords to abandon them and take refuge in neighboring cities. Naturally this created hostility between the city and the lord. The nobles were often mere robbers, who subsisted on plunder. The cities had to protect their commerce, or their industry would be unavailing. These contests were not exhaustive like the factional feuds in the Italian cities, but were rather strengthening, giving energy and vigor of character to the industrial trades. Thus, while the Italian cities flew to the rule of the despotic lord for protection from their own broils, those of Germany, by their contests with their lordly enemies, developed the strength and spirit of freemen which preserved their power for centuries.

One fruit of the organization of free cities was the leagues they formed, from time to time, among themselves, usually against the nobility and barons. By this means they were able to withstand the bishops and barons, and to protect themselves and their commerce against rapine and against unjust tolls and exactions. More than sixty cities, with the three ecclesiastical electors at their head, formed the League of the Rhine, in 1225, to expel the inferior nobles. About 1370 a confederacy was entered into by the cities of Swabia and the Rhine to protect themselves against the barons of Wittenberg and Bavaria, as well as other princes. But this was met by counter confederacies of the provinces, which, in a measure, defeated the action of the cities.

The most notable union of cities was the Hanseatic League. This League originated in the latter half of the twelfth century, and flourished during the next three hundred years. Some date its organization from 1169, others not till 1200. It arose from a combination of circumstances amid the barbarism and anarchy prevailing throughout the north of Europe. The cities of Northern and Central Europe desired to avail themselves of the benefits arising from traffic in the manufactured fabrics of the South. The spirit of freedom was now awaking the cities and leading them to an organized effort to make their power felt in various directions. The robbers on land and the pirates on water made life and property insecure. Government, as it then existed, was inadequate for their protection. Hamburg, founded by Charlemagne in the ninth century, and Lübeck, founded about the middle of the twelfth century, were the first to unite. The greatest number of cities united at any one time was eighty-five. All the great cities between the Alps and the Baltic were embraced in the League.

The final act of union was drawn up at Cologne, and signed by all members of the League. The main expressed objects of the union were to protect the confederated cities and their property from foreign aggression, to guard, extend, and monopolize commerce, to manage the administration of justice within its limits, to prevent quarrels by means of Diets and Courts of Arbitration, and to preserve to the cities the rights and immunities received from the emperor and princes. Each city was obliged to furnish vessels and soldiers when required, and sometimes money. The supreme authority was vested in a Congress composed of deputies from the towns and cities embraced in the League, assembled every three years, usually at Lübeck; the first meeting was in 1260. The decrees of the Con-

gress were communicated to the magistrates of the several cities affected, by whom they were enforced.

The union was divided into four quarters—Wendish (including Lübeck, Hamburg, and neighboring towns), Cologne, Brunswick, and Dantzic, Prussia. To facilitate their operations they established four depots of supplies,—Novgorod, in Russia, in 1272; Bergen in Norway, in 1278; London, and the principal station Bruges, in the Netherlands. At Bergen they obtained control of the herring fisheries in 1370. Edward IV tried to deprive the League of the right it had acquired in London; but the authorities of the League declared war against him, and recovered more than they had lost. The fairs at Bruges were the best attended of any in Europe. It was the headquarters for all trade. The Lombards made it the distributing point for all their trade in the North.

The League, whenever necessary, carried on war as well as commerce. It conquered kings of Norway, and caused a king of Sweden to be deposed. It established and exemplified the principles of subordination and good government. Through the salutary influence of its rule and the trade it protected and encouraged, robbery and piracy ceased, and the barbarous inhabitants of those Northern countries, to a great extent, became civilized. Routes of travel became secure, industries flourished and changed the face of the country; well-built towns took the place of rude huts. Princes learned the advantages of security and trade, and exerted themselves to protect travel and traffic in their own territories.

But the time came when the conditions of the countries of Europe, as well as that of her Governments, had changed. Charles V, by the exercise of his immense authority, separated the rich cities of the Netherlands from the League. The routes of travel were changed by the

maritime adventurers who doubled the Cape of Good Hope and discovered America. The markets of the world were to be relocated. The work of the League was finished.

DISSOLUTION OF THE EMPIRE.

With the power of making treaties of alliance among themselves and with foreign Governments, given the several States of the Empire by the Peace of Westphalia in 1648, the disintegration of the Empire must necessarily take place, and its dissolution became only a question of time. I need not here trace the intrigues of the several States, their disregard of the obligations of the Empire, and the wars between themselves. All these things could have but one tendency, the destruction of Constitutional authority, the disregard of Constitutional forms, and the breaking up of the Government. When the French Revolution broke out in 1789, some of the States prepared to enter the coalition formed by several Governments to fight the revolutionists, while others were willing to stipulate with the French for neutrality. Both parties pursued a policy for several years which no Government could permit and hope to survive. The bare mention of the treaties of Basle in 1795, Campo Formio in 1797, Luneville in 1801, Pressburg in 1805, carries with it a story of German humiliation. The work of the deputation of the princes of the Empire who met at Rostadt in August, 1802, was a rewriting of their Constitution. The withdrawal of a number of the States from the Imperial Confederation, and the formation of the Confederation of the Rhine in July, 1806, was the culmination of the dissolution, which, for so many years, had been progressing.

On August 1, 1806, Napoleon issued a decree dissolving the German Empire. and on the 6th of the same month

the Emperor Francis II renounced his right as head of the Empire, and declared that the Empire had ceased to exist. Thus passed away, after nine hundred years existence, the Government established by the Germans when, in 911, they elected Conrad I their king.

GERMAN CONFEDERATION.

From 1806, when the Confederacy of the Rhine was formed under French influence, and the dissolution of the German Empire was decreed, till the Peace of Vienna in 1815, a large part of Germany continued to be occupied by French armies, and French authority predominated in the Government of most of the States. At the conclusion of the Peace of Vienna in 1815, and the withdrawal of the French armies from German soil, the old desire for Germanic union revived and found expression in the organization of a German Confederacy, with a National Diet which was to meet triennially at Frankfort-on-the-Main, under the presidency of the Austrian deputy.

There was little change in the working of the German Government, after the organization of this Confederacy, during the next thirty years. But the new Revolution in France, at the opening of 1848, was hardly started until its sparks were blown all over Europe, and had ignited already-prepared revolutionary combustible material in nearly all the German States. The Governments of Baden, Bavaria, Hanover, Saxony, Wurtemberg, Hesse-Cassel, and even Prussia, yielded to the popular demand, and introduced, to a greater or less extent, liberal principles in their Governments, and admitted into their ministry representatives from the Liberal party. Constitutions granting popular rights were drafted in most of the States, and in many of them they were put into operation. In Prussia

an Assembly elected by universal suffrage sat for some time, occupied in framing a representative Constitution for the kingdom, but the Assembly was dissolved before completing its work. Finally, a Constitution prepared by the Government, less liberal in principle than the one which the Assembly had started to frame, was adopted, and went into effect February 6, 1850, from which time Prussia became a Constitutional monarchy.

A German Parliament, convoked without any authority except its own volition, assembled in Frankfort-on-the-Main in April, 1848. The doctrine of popular sovereignty was declared by the Parliament, and preparations were made for the election of a National Assembly to frame a Constitution for united Germany. Such an Assembly convened at Frankfort-on-the-Main, in May, 1848, and at once displaced the old Diet. It established a Central Government, and chose Archduke John of Austria as regent of the union. Upon his election by the Assembly, the regent received from the president of the old Diet the power theretofore exercised by that body. In March, 1849, this Assembly adopted a Constitution forming a Confederacy of the United German States, with an hereditary emperor and a Legislative Assembly composed of two Houses; one House representing and appointed by the Government, and the other elected by the people. The position of emperor was offered to the King of Prussia, but was by him refused. This virtually ended this attempt at union. From the last half of 1848 to the first half of 1851, Austria and Prussia were occupied in a sparring match to ascertain which should secure the leadership of the German union. Several meetings of the German princes were held, two or more Parliaments were convened, the old Diet was re-assembled, and an open war between these two rival States seemed inevitable. Foreign Governments intervened with

their friendly offices, and finally, on June 12, 1851, a settlement was had whereby the Confederation existing from 1815 to 1848 was restored, and the authority of the Diet was recognized. Thus Austria continued to exert the controlling influence in governing Germany, although Prussia had not surrendered her purpose to outrival her.

More than three years had now been spent in a series of revolutionary movements and popular uprisings, all of which had been suppressed, and there seemed to be little left to remind one of the efforts that had been put forth for popular reform. Most, if not all, of the Constitutions of the several States, that had been granted under the impulse of public demand and the fear of something worse, had now been recalled or so greatly modified as to preserve few popular rights. And yet we may not say that nothing remained; for the free expression of liberal sentiments that had been so prevalent throughout Germany must, at some time in the people's history, bear fruit.

During the Crimean war that soon broke out, the old rivalry between Austria and Prussia manifested itself, and prevented the former from taking the part therein she had expected to take, and from reaping the advantages she had anticipated. A continuation of this feeling was apparent in all the movements in Germany from 1850 to 1860. In 1861 renewed efforts were made for strengthening the Confederation by a more liberal representation in the Federal Diet and a firmer union of the States; but this failed because the two rival States could not agree.

In 1862, Bismarck entered the Prussian ministry, having charge of foreign affairs, and soon became its president. From this time the leadership of Prussia in a united Germany was pressed with additional vigor. Another ineffectual effort was made in 1863 for a reform of the Federal Constitution, leaving German leadership with

Austria. The controversy over detaching Holstein-Schleswig and Lauenburg from Denmark, and uniting them to Austria and Prussia, continued through 1864 and 1865, and finally, in 1866, led to open war between Austria and Prussia, in which most of the German States took sides with Austria. But the brilliant campaign of the Prussian army placed that kingdom easily in the lead for German union. The old German Confederation was now dissolved, and Austria was declared permanently excluded from Germany.

NORTH GERMAN CONFEDERATION.

With Austria definitely excluded from German union and German influence as a result of the war of 1866, and with Prussia without a rival for leadership, there was little difficulty in forming the North German Confederation, embracing most of the German States north of the Main, while the four German States south of the Main were left free to form a South German Confederation if they so desired. Representatives from all the North German States met in Berlin, in December, 1866, to form a Constitution, which was drawn and submitted to the Reichstag, then in session in Berlin, in April, 1867, by which body it was adopted by a very large majority. It went into operation July 1, 1867, with Bismarck as federal chancellor. Some progress was made during the next two or three years towards a union of the South German States with the North German Confederation; but it is doubtful if that result would have been reached for many years had it not been for the war waged against Germany by France in July, 1870. This war had the effect of uniting all the German States, and before peace was definitely proclaimed in May, 1871, the Confederation had given place to the Empire.

THE GERMAN EMPIRE.

BRANDENBURG—PRUSSIA.

THE Kingdom of Prussia, the principal State in the German Empire, had its origin and early glory in the mark, and later the electorate, of Brandenburg. The original German tribes—Suevi, Huns, and others, which peopled the country south of the Baltic, who went south in the fourth century—were followed by the Wends and other Slavic tribes. Although partially conquered by Charlemagne, these tribes maintained themselves here till after the establishment of the German monarchy under Conrad I, in 911. About 928 the second king, Henry the Fowler, marched across the frozen bogs, took Brandenburg, conquered a portion of these Slavs, and established the Nordmark, or, perhaps the mark of Salzwedel. The Wends stubbornly resisted this inroad on their territory, but they were gradually conquered by the German emperors, and new marks were established in the territory they had inhabited and ruled, all of which were finally consolidated with the Nordmark or mark of Salzwedel. A further centralization of these first border Governments resulted in making the mark of Brandenburg the head of all in that part of the country. There seems to have been a line of margraves in some of these marks known as the Billings, the male line of which became extinct in the twelfth century. Albert the Bear, Count of Ballenstadt

or Anhalt, married one of the Billings, by virtue of which, together with appointment of the Emperor Lothaire, who claimed that the marks had escheated to the Empire, he became Margrave of Brandenburg and the marks which had been united to form it; this he governed from 1130 to 1170. He completed the conquest of the Wends, built new towns, and introduced many Germans into his territory, quite a number of whom came from Holland, portions of which had recently been inundated, leaving its former inhabitants homeless.

Albert may be considered the founder of the Electorate of Brandenburg, although the title of elector was first assumed by John, founder of the elder of the two branches into which the house was divided, in the latter part of the thirteenth century. This Anhalt line of Margraves of Brandenburg became extinct in 1323, and was succeeded by the Bavarian line, which governed fifty years. Otho, the last of this line, sold the electorate to the Emperor Charles IV, in 1373, for £30,000, only half of which was ever paid. The emperor appointed his son, Wenzel, or Wenceslaus, elector. The electorate remained in this Luxemburg line till 1415, when it was sold to Frederick VI, of Hohenzollern, Burgrave of Nuremberg, who was inaugurated elector, in April, 1417, as Frederick I. This Frederick was the founder of the Hohenzollern line of electors, which still rules, not only over Brandenburg, but over the whole German Empire. The castle of Hohenzollern, whence this house sprang, is situated in old Swabia, on the south slope of the Black Forest Mountains, near the head-waters of the Danube. From this castle, in the last half of the twelfth century, during the reign of Frederick Barbarossa, came a young member of the Hohenzollern family, named Conrad, who married a daughter of Vobburg, Burgrave of Nuremberg. The male line of

this house having possessed himself of the female heiress, was, by the emperor, appointed Burgrave of Nuremberg. This Conrad was the ancestor of Frederick I, Elector of Brandenburg, named above.

Having briefly traced the development of the Electorate of Brandenburg till it came into the possession of the present ruling house, I will call attention to a line of events whereby it became transformed into, and the principal province of, the Kingdom of Prussia. The territory originally known as Prussia lies along the south shore of the Baltic, extending from the eastern end of that sea west to the Oder. I need not refer to the Lithuanians, who originally inhabited this country; nor to the Goths, who overran it in the first century of our era; nor to the unsuccessful attempts made to Christianize the inhabitants in the tenth century; nor to their fierce treatment of neighboring people during the next two centuries. They were finally conquered in the last half of the thirteenth century by the Teutonic knights, who introduced among them German laws and customs. In the last half of the fifteenth century, Western Prussia was conquered by Poland. Early in the sixteenth century, Albert, one of the Culmbach Hohenzollerns, became Grand Master of the Teutonic Knights. Being unable to maintain his claim of independence as against Poland, he obtained the consent of so many of the knights as resided within his territory to his entering into an agreement, in 1525, with Sigismund, King of Poland, whereby the elective Grand Mastership of the Teutonic Knights was abolished, and the order was disbanded, so far as it related to Prussia. By the same agreement, Albert became hereditary Duke of Prussia, with an obligation of fealty to the Polish king as overlord.

Duke Albert died in March, 1568, leaving the dukedom to his only son, Albert Frederick, then a minor, but who

was, by the authorities, at once declared of age, and intrusted with the Government of Prussia. In this same year Joachim II, Elector of Brandenburg, of the same Hohenzollern family as the Duke of Prussia, entered into a family compact with him, with the consent of King Sigismund, of Poland, whereby the Brandenburg Hohenzollerns became heirs of the Duchy of Prussia on failure of heirs in the Culmbach line. Albert Frederick died without male issue in 1618, and thereupon, by virtue of the agreement just recited, the Duchy of Prussia passed to John Sigismund, Elector of Brandenburg. The Duchy of Prussia and the Electorate of Brandenburg thus became united under the rule of the Hohenzollerns, in whose house they have ever since remained.

It will be remembered, as stated above, that when Prussia became a duchy, it was with the proviso that the duke should pay fealty to the King of Poland as overlord. In 1656 the Grand Elector, for services to the King of Poland in a war he was then engaged in, secured from him a release of Poland's feudal claim to Prussia, which thereby became an independent duchy. In 1700, Frederick, son of the Great Elector, procured from the Emperor Leopold permission to assume the title of king, whereupon, on January 18, 1701, at Königsburg, he was solemnly crowned as Frederick I, King of Prussia.

I have barely indicated in the sketch I have given that the Kingdom of Prussia was a gradual growth, made up of many independent provinces of different ranks. This combination commenced long before the formation of the kingdom, and continued down to the establishment of the Empire. In the main, these provinces were originally governed by a prince, and a local Assembly, having throughout Germany various designations—Rath, Diet, States—possessing more or less influence in Government.

As a rule, the authority of the chief officer—duke, prince, king—was constantly increasing, so that he did not need to appeal for assistance to the States; most of the time he controlled them, and finally scarcely ever called them together. The Government of the kingdom, as well as the local Government of the provinces, grew more and more absolute, and the voice of the people, even that of the nobility, had less and less weight in the affairs of the Government.

The popular uprising of 1848 forced from the Government, central and local, some concessions. It was not till 1850 that Prussia became a Constitutional monarchy. On January 31, 1850, a written Constitution was promulgated, which went into effect early in February, by the terms of which a responsible ministry, a Legislature consisting of a House of Lords and a House of Deputies elected by indirect universal suffrage, religious liberty, freedom of the press, personal security, and equality of rights, were provided for. Each of the provinces was given a chief president and a Local Assembly with advisory powers. Each province was also divided into administrative districts, and these again into circles, for purposes of local government. A criminal code was adopted, securing the right of public jury trial, with right of appeal to the court of last resort sitting in Berlin. Modifications of this Constitution have been made, especially those affecting ecclesiastical matters, in 1875 and subsequent years.

It is the Kingdom of Prussia which has developed into the modern German Empire. For, while the Empire embraces a number of kingdoms, together with lesser principalities, not one other has sufficient importance to be anything of a rival to Prussia. I have already sketched, to some extent, the position of Prussia in the Holy Roman Empire, and as a member of the German Confederation,

down to the time of its dissolution. It would not be an uninteresting study to speak more in detail of the development of Prussia after the establishment of the monarchy, and especially of the work of Frederick the Great, and the course of the kingdom during the Napoleonic wars; but this would be a little outside of my plan for this work. Nor need I say more than I have of the rivalry between Austria and Prussia. What has already been presented is naturally followed by an account of the organization of

THE GERMAN EMPIRE.

As a result of the war of 1866 between Austria and Prussia, the former was excluded from Germany, and the latter became the recognized head of German unity. In the Confederation thus formed, only the States north of the Main were included. The four States south of the Main remained independent, with the privilege of forming a union among themselves; but this they failed to do. They were also slow in desiring membership in the Confederation formed by the North German States. But when, in July, 1870, France declared war against Germany, the Southern States eagerly joined their countrymen of the North in maintaining German interests and repelling French dictation. The phenomenal success of German arms enkindled such a spirit of patriotism as made any farther serious opposition to German unity impossible. During November, 1870, the four Southern States were, by treaty, incorporated into the Union of the North German Confederation. In December, 1870, on the invitation of Bavaria, concurred in by most of the other States, it was proposed to restore the dignity of the German Emperor. On December 10, 1870, the Reichstag, by a practically unanimous vote, resolved that the Confederation

assume the name of the German Empire, and that the King of Prussia, as the president of the Confederation, henceforth be known as the Emperor of Germany. The imperial dignity was accepted by King William, and by him publicly proclaimed in the palace at Versailles, where he then was at the head of the German army encircling Paris, on January 18, 1871. The first German Reichstag was opened by the emperor in person at Berlin, March 21, 1871. But three dissenting votes in the Reichstag were cast, on April 14, 1871, on the adoption of the Constitution, which was proclaimed by the emperor on April 16, 1871.

THE CONSTITUTION OF THE GERMAN EMPIRE.

The Constitution leaves the twenty-six States composing the Empire under their own respective Governments, most of which are monarchical, except for the purposes delegated by the Constitution to the Imperial Government.

The King of Prussia, with the title of German Emperor, is the representative of the Empire and its executive officer. To him is given the authority, with the consent of the Council, of declaring war and entering into alliances. The army is under his absolute command. In addition to these prerogatives, he has the usual power of a sovereign.

The Constitution provides for a common citizenship, with corresponding rights in all the States. Every citizen is subject to military duty, and is not allowed to furnish a substitute. There is confided to the Empire authority respecting migration, customs, commerce, weights and measures, coinage, banking, patents, postal and telegraph affairs, railways, the army and navy, and several other subjects of general interest to all the States.

Legislation is conducted through two bodies,—the Council, composed of about seventy members appointed

by the several States on the basis fixed in the Constitution; and the Diet, or Reichstag, composed of about three hundred and eighty members, chosen for three years by direct vote of the people by means of secret ballot. Members of the Diet receive no pay, nor are they allowed to hold any salaried office. The Diet may be dissolved by a vote of the Council, with the approval of the emperor; but in that event a new election must be called within sixty days, and the Diet must be convened within ninety days from its dissolution. The emperor has authority to convene and adjourn the Council and the Diet. A majority of each body is required to pass a law. The Council is presided over by the chancellor. The Diet elects its own officers. Every law requires for its validity the signature of the chancellor, who is made responsible for the same.

In the main, judicial matters are referred for adjudication to the courts of the several States. Disputes between the States are to be decided, on request, by the Council. Also, if complaint is made that in any State justice is not impartially administered, it shall be the duty of the Council to see that a remedy is provided.

THE AUSTRO-HUNGARIAN MONARCHY.

MOST of the territory comprising the Austro-Hungarian Monarchy was formerly a part of the Holy Roman Empire until the dissolution of that Government by Napoleon in 1806. On the organization of the German Confederation in 1815, the Empire of Austria became the leading State in that Confederacy. Under appropriate heads, in the article on Germany, much has been given that bears on the subject now being treated, and that need not be repeated here.

Prior to the organization of the present monarchy, in 1867, the Austrian Empire embraced a number of provinces—kingdoms, archduchies, duchies, margravates, and perhaps those of lesser rank—each having, to some extent, its own laws. At least a limited knowledge of these is necessary to an understanding of the general history of the monarchy. I shall not speak of each province, but shall give something of the Government of the most prominent of the States, from which, because of their similarity, a sufficiently definite idea can be formed of the rest.

Hungary, while, in a sense, a part of the Empire, remained practically an independent kingdom till conquered by Austria, in 1849. It will be necessary to speak of that kingdom at more length. Aside from Hungary and Aus-

tria, the principal State of the Empire was Bohemia, and its history and Government may be taken as a fair indication of that to be found in other provinces.

BOHEMIA.

Before the beginning of the Christian era the Germans drove out the original Celts, and occupied Bohemia for five or six centuries. They were, however, conquered in the sixth century of our era by the Czechs, a Slavic tribe, who settled in the country and drove out and displaced a large proportion of the Germans. Ever since this conquest there has been a conflict between the two races. Although the Czechs have been in the majority, the Germans have, much of the time, maintained the ascendancy in power. Christianity was introduced into the country about the beginning of the tenth century.

Among this ancient people, constituted as above stated, there were two orders of nobility—the equestrian and inferior nobles. The most abject slavery existed among the class who had been reduced to that condition, and the peasantry were in a condition of servitude or predial villanage. But slavery was abolished throughout the Austrian Empire by an edict of Joseph II in the last half of the eighteenth century. The country was ruled by a duke and a Diet composed of the two orders of nobility and representatives from certain favored towns. Prelates were added as a part of the composition of the Diet at a later date than its original institution.

The country became tributary to Charlemagne, and remained a part of the Western Empire under his successors. About the middle of the tenth century, or, perhaps, somewhat later, Bohemia was admitted into the Confederation of the German Empire. Being divided from

Germany by a wall of mountains, and, possibly, more by a national prejudice springing, in part, from a difference in origin and language, the Bohemians withdrew, to a large extent, from mingling in the politics and Government of Germany, and frequently obtained dispensations relieving them from attending Imperial Diets; they carried this to such an extent that it was not easy to gain the right of representation in the Diet when it was desired. The right of the Bohemian King to participate, as one of the electors, in the choice of the German Emperor seems to have been claimed and exercised from the institution of the electoral body, probably in the twelfth century; but this right was, for a time, denied, and was especially contested by Bavaria. The Bohemian right to the electorate was not fully established till 1356, when it was determined by the Golden Bull of Charles IV.

In 1158 the Emperor Frederick Barbarossa conferred on the reigning duke the title of king, by which his power and influence were greatly enhanced, and he became an important vassal of the Empire. The principle of an elective crown, which prevailed in Poland, was adopted in Bohemia, and generally prevailed during the early centuries of the monarchy; although the hereditary principle was frequently asserted, and, when not conceded by the nation as a right, in ordinary times the scepter passed to the nearest heir of the deceased king. Still, in most cases, an election took place, and few heirs dared claim the kingship by inheritance alone. The hereditary character prevailed, to a greater or less extent, from the time of the accession of Ottocar I, at the close of the twelfth century, till the reign of Charles IV in the last half of the fourteenth century, when the right of the States to choose their king was fully conceded.

Ferdinand, brother of the Emperor Charles V, had

married Anne, sister of Louis, King of Hungary and Bohemia, and had obtained family compacts by which it was provided that the crown of Bohemia should pass to his house on failure of heirs in the then reigning family. On the death of Louis in 1526, without issue, Ferdinand claimed the crown. The Bohemian Diet would not admit the claim, and asserted their right to elect. Ferdinand yielded his hereditary claim, and easily secured the crown by election. Later in his reign, Ferdinand sought to subvert the Constitution and to render himself independent of the States. In 1546 he revoked his acknowledgment of the right of the States to elect a king, and declared that he ruled by virtue of his right as the husband of Anne, and of the old family compact. He followed this by raising troops without the consent of the Diet, and by appointing his own judges in each of the towns. He also introduced Jesuits, to whom he committed the cause of education, and established a censorship of the press. By the influence obtained through fear of his army, he secured from the Diet a recognition of the right of his son Maximilian as his successor, and, in 1562, he was crowned as heir to the throne. After the abdication of Rudolf in 1611, before the States would accept Matthias as their king, they required his assent to a compact that thereafter the crown should be perfectly elective. But in 1628 Ferdinand II again abolished the right of election, and asserted the hereditary quality in the crown.

Prior to the Thirty Years' War, which broke out in 1620, the Bohemian States had, perhaps, greater power and privileges than those possessed by the English Parliament. They enacted laws, imposed taxes, contracted alliances, declared war, concluded peace, chose or confirmed their kings. Notwithstanding these privileges, they were not always practical. The king alone had the right

to convoke them, although in turbulent times they did sometimes assemble of their own volition, or on call of the principal barons. There was much variation in the number of which the Diet was composed; sometimes but few were summoned, and at other times great masses attended. The king, having the right to convoke the States, frequently neglected to do so, and governed for a long time without consulting them.

HUNGARY.

EARLY HISTORY.

During the first centuries of the Christian Era, Hungary, or what was then known as the old Roman province of Pannonia, had a mixed population, embracing Germans, Slavs, and remnants of other people who had previously settled there. Towards the end of the fourth century the Huns conquered and settled the country. After Attila's death they lost their power. The Ostrogoths then peopled Hungary, but did not drive out those whom they had conquered. All of these remnants of various nationalities who still remained in the country were conquered, near the close of the ninth century, by the Magyars, supposed to be a part of the Turanian family who had recently migrated from Central Asia, making some halts before crossing the Carpathian Mountains. At the time of the Magyar invasion, Hungary was ruled by Swatopluk, Prince of Moravia, and the chief of the Slavonian tribes in that part of the country. Charlemagne and his successors had exercised some authority over the country, and were now making some pretensions to sovereignty. After settling in Hungary, the Magyars were engaged in almost continual wars and marauding expeditions for conquest and booty.

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About the middle of the tenth century their incursions were successfully repelled by the Germans.

CHANGED CONDITIONS.

Christianity was introduced into Hungary in the tenth and eleventh centuries. The eleventh century was a notable one in Hungarian history. The Government was changed from a dukedom to a kingdom, and, notwithstanding the contests that took place over the succession during the century, the hereditary character of the crown was preserved, and furnished the ablest of the whole line of kings who sat on the Hungarian throne. A great advance, especially under the first king, Stephen I, was made in observing the principles of freedom, providing for education, the establishment of the Christian Church, and the organization of the Government. Under King Ladislaus, towards the close of the eleventh century, the first code of laws was promulgated, and regulated both civil and criminal practice. Attempts were made by two or three of the kings, in order to become more independent of the nation, to transfer the kingdom as a fief to the German Empire; but the scheme was frustrated. In the latter part of this century some trouble was had with the Crusaders, who were passing through Hungary on their way to the Holy Land. Trouble was also had with some of the conquered provinces. The wars which now commenced with the Turks continued at longer or shorter intervals, and with varying degrees of success, down into the eighteenth century. Until the fourteenth century the feudal system had been in but partial operation in Hungary; but Charles Robert, one of the Angevine Neapolitan kings, introduced it as it was then in operation throughout most of Europe.

With the opening of the fourteenth century the influ-

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ence of learning and refinement began to be perceptible. Following this, the people became interested in Western civilization, and sent many of their children to France and other countries to receive their education.

DIVISION OF THE COUNTRY.

The elevation of the Hapsburgs to the throne, in 1526, resulted in a virtual division of the country into three districts, because of the resistance of many of the natives and the interference of the Turks. The Hungarian princes ruled in Transylvania, the Turks in the southeastern portion of the kingdom, while the main part of the country was under the control of the Hapsburgs. This internal struggle lasted for a hundred and fifty years.

CONQUEST AND GOVERNMENT OF THE MAGYARS.

When the Magyars took Hungary, they reduced all the conquered people to slavery, while all the Magyars and those who had joined them in their conquest were recognized as freemen and equals. At the time of their entering Hungary, each of the seven tribes had its own chief. On starting out for conquest, these chiefs had elected one of their number, Alom, whom they claimed to be a descendant of Attila, leader or duke, but on such terms and conditions as fully secured their own rights. If he or his successors ever violated the privileges of the chiefs, he was to be banished. All conquered lands were to be divided among them according to merit, and the chiefs were to form a Ducal Council of Government. This compact was the foundation of the Hungarian Constitution. The Government thus formed was a pure aristocracy. As soon as they had secured the conquest of Hungary, Alom surren-

dered the Government, and was succeeded by his son, Arpad. The right of the heir to inherit the duchy was fully recognized. Soon after the conquest, Arpad convened the first Diet, or meeting of the chiefs, in which the country was divided and parceled out among them according to their compact, and local officers were appointed for its government.

MONARCHY ESTABLISHED.

Duke Stephen, who began his reign in 997, proved to be a ruler of so much ability, and was such a lover of Christianity and such a friend to the Church, that, on the request of the chiefs, an embassy was sent to the pope and to the German emperor to procure their consent for him to assume the title of king. This consent was readily granted. Pope Sylvester bestowed many tokens of approval, and provided for his holy consecration. The chiefs had made due provision that the crown should be regarded as the free offering of the nation. Stephen was solemnly crowned and proclaimed king in 1000. The next year a Constitution was formed and the Government more regularly organized as a limited, hereditary monarchy. While the king's rights were fully recognized, the supreme power was placed in the Diet, which at first met as one body, but later was divided into two Houses. The Upper House was formed of the prelates and magnates, or great officers of state, all of whom had seats in the Diet; this house was presided over by the palatine. The Lower House was made up of the inferior nobility; not the entire body, however, as in the case of the great nobles, had seats in the Diet, but only chosen representatives. The palatine was elected by the Diet, and in position ranked next to the king. He stood between the king and the people, and had the custody of the royal seals. During the time of Sigismund,

in the fifteenth century, provision was made for admitting into the Diet delegates from certain cities.

In course of time most of the privileges of the inferior nobility were lost or became obsolete, nor were they restored till the granting of the Golden Bull, in 1222. No improvement was made in the condition of the peasants till the time of Maria Theresa, who issued a decree relieving them of many of their hardships. Finally a better day seemed visible when villanage was abolished in all the Austrian dominions by a decree of the Emperor Joseph II, towards the close of the eighteenth century.

While the crown, during the Arpad dynasty, and, to some extent, thereafter, was recognized as hereditary, the right of deposing the king for sufficient cause, and of electing his successor, was continually asserted and practiced by the Diet. Upon the death of Ladislaus III, in 1290, the crown was claimed for, and by right would probably have descended to, Charles Martel, son of Charles II, King of Naples, who had married Mary, a sister of Ladislaus; but he was not on the ground to make good his claim. Ladislaus had chosen a collateral relative as his heir, and the Diet recognized the selection, and chose him as their king; he was crowned and reigned as Andrew III, notwithstanding the claim of Charles Martel. The Arpad dynasty had now reigned three hundred years, commencing with Stephen I, in 1000. Andrew III, the last direct male heir, and the last of this illustrious line of kings, dying without male issue, in 1301, the nation proclaimed the throne elective.

In the election which followed for a successor of Andrew there were several candidates for the place, and two or three were, by different factions, proclaimed elected. Wenceslaus of Bohemia, and Otho of Bavaria, obtained such recognition that they are generally regarded as

among the Hungarian kings. Although, all the time after Andrew's death, Charles Robert, son of Charles Martel, of Naples, a descendant of Stephen IV, whose daughter Mary had married Charles II of Anjou, King of Naples, was contesting for the crown, his rights were not recognized by the Diet, nor by the nation generally, till about 1310, when his claim was undisputed and he was recognized by the nation as its legitimate sovereign. Notwithstanding the fact that in many instances the crown descended to the next heir, the elective principle continued to be recognized, and generally acted on, till the elevation of the Hapsburgs.

RULE OF THE HAPSBURGS.

Ferdinand, brother of the Emperor Charles V, married Anne, sister of Louis II, King of Hungary and also of Bohemia, and obtained a family compact providing that, on failure of heirs to Louis, both crowns would pass to Ferdinand. On the death of Louis, in 1526, without heirs, Ferdinand claimed both crowns, but in neither kingdom was his right recognized. He deemed it the best policy to waive his hereditary claim, and to submit himself as a candidate for election. While he had little difficulty in obtaining an election in Bohemia, there was strong opposition to his election in Hungary. However, he succeeded in obtaining a declaration of his election in the Diet, although John Zapolya was also proclaimed king by a portion of the nation. Zapolya, while not recognized at the capital, was able to maintain his authority over much of the eastern portion of the kingdom. The elevation of the Hapsburgs to the throne in the person of Ferdinand proved to be permanent, and from Ferdinand's election the ruling house of Austria has also governed in Hungary.

For some time Ferdinand's successors continued to accept the crown by election, but in the last half of the seventeenth century Leopold I claimed that their recent rebellion had forfeited whatever right the Hungarians had to an elective throne, and asserted his right to the crown independent of their choice. The destruction of that feature of their Constitution which relates to an elective crown was to be accomplished by the forces at the command of the Hapsburgs; but Leopold's claim and conduct met with such opposition that he was near being driven from the kingdom. To save his cause from utter ruin, Leopold revoked his decree whereby he had proclaimed the crown hereditary in his house, and restored to the Diet the right of election. At length, however, having crushed the rebellion and repelled the Turks who had assisted the insurgents, Leopold renewed his claim, and, by means of one of the most bitter persecutions known in history, he overcame his subjects and secured from the Diet an approval of his scheme, except that they would not consent that the crown should be inherited by a female, and on the extinction of the male line in his house the right of election was to revert to the Diet.

After the original compact between the chiefs on the election of Alom duke, and the subsequent Constitution granted by Stephen I on his elevation to the throne, the most notable addition to the Hungarian Constitution was the Golden Bull, forced from Andrew II by the nobles in 1222. By this instrument the privileges of the lesser as well of the greater nobles were recognized, and the right of the people forcibly to resist oppression was conceded. This right continued to be recognized till the time of Leopold I, who, in addition to making the crown hereditary, also revoked the Constitutional right of armed resistance, on the part of the people, to royal oppression.

The various contests of the people with the house of Austria had the effect of a more or less permanent change of the Constitution in other respects; but these changes need not be traced down to the close of the contest with France, in 1815.

Under the ministry of Prince Metternich the most untiring efforts were made to subvert entirely the Constitution and destroy the rights of the people. But the spirit of enlightenment and the love for self-government had taken such deep root that these despotic efforts proved unavailing. Notwithstanding the modifications of the Constitution that had been effected through several centuries, the Hungarian charter of freedom had not lost its vitality, and still remained a sure bulwark against the attacks of despotism. The national rights of Hungary, together with a number of moderate reforms whereby the privileges of all classes were more effectively guarded, were secured by the earnest efforts of the liberal leaders in the Diet from 1825 till near the middle of the century.

REVOLT OF 1848.

The popular uprising throughout Europe in 1848 took the form in Hungary of a series of legislative enactments passed by the Diet, declaring for annual meetings of the Diet, equality of taxation, the organization of a Hungarian national guard, liberty of the press, religious freedom, and other reform measures, all of which were approved by the emperor in the Diet at Pesth, in April, 1848. But while the Austrian Government apparently conceded the demands made by the people, it was at the same time plotting for their destruction. It was with the connivance and aid of Austria that the Slavonian races in Hungary, assisted by members of the same family in adjoining coun-

tries, took up arms against the Magyars. Austria's duplicity at first, and then open hostility, induced the Hungarians to proceed to raise an army of two hundred thousand men to enforce their rights. On April 14, 1849, they declared their independence, and elected Kossuth governor, with almost unlimited powers. The war was waged with fearful fury from as early as June, 1848, to September, 1849, when the Hungarians were forced to surrender. Had it not been for the one hundred and sixty thousand Russian soldiers furnished to her oppressor, Hungary might have gained her independence.

For a number of years after this defeat, Hungary remained under the despotic rule of Austria, with scarcely any show of protest. But when the contest between Austria and France and Italy arose, in 1859, and somewhat later with Prussia also, and Austria needed the assistance of all her provinces, the Hungarian Diet was convoked and an attempt made at reconciliation. But when the Hungarians demanded a restoration of their laws as enacted in 1848, the Diet was dissolved in August, 1861. Because of Austria's danger from Prussia during the next few years, various concessions were made to the Hungarians, and finally, in 1867, a union of the two Governments took place under one monarchy.

GOVERNMENT.

The Hungarians provide free primary schools, in which attendance is compulsory, with reasonable provision for higher education. The educational results thus far attained have been only partially what have been aimed at.

For governmental purposes the kingdom is divided into four circles, and each of these into counties. The counties, districts, communes, and free cities have local gov-

ernment regulated by law. The Court of Cassation and the Supreme Court are the highest judicial tribunals; below these are certain royal courts, with general original jurisdiction. The legislative affairs of the kingdom are conducted by the Diet, of which I have already spoken. Suffrage is nearly universal, all citizens who have a regular business or who pay a small direct tax having the right to vote.

AUSTRIA.

OUTLINE OF EARLY HISTORY.

The leading State in what was, prior to 1867, the Austrian Empire, and what has since been known as the Austro-Hungarian Monarchy, was the Archduchy of Austria, which was divided into Upper and Lower Austria, according to its situation on the Danube. This territory forms Austria proper; to it have been joined from time to time many separate States of far greater territorial extent than the archduchy, but which have never been able to rival it in power and influence. The frontier river Leitha, forming a part of the boundary between Austria and Hungary, has given the designation Cisleithania to Austria and her provinces, and Transleithania to Hungary and her dependencies.

Austria, or at least a part of it, was conquered by Rome near the close of the first century B. C. Charlemagne annexed it to the Empire of the West before the close of the eighth century; it was then called "East Territory," and subsequently received the designation of Austria. The Magyars conquered it in 900, and, about 955, Otho I annexed it to the German Empire. Otho II appointed Leopold of Bahenburg Margrave of Austria, and

his dynasty held sway two hundred and sixty-three years, during which time the territory of the margravate was greatly extended. In 1156 it was erected into a duchy, and made hereditary. Duke Frederick II, the last of the Bahenburg dynasty, died without issue in 1246, whereupon the Emperor Frederick II claimed the vacant duchy as having reverted to the imperial crown for want of heirs. But the Austrian States refused to recognize this claim, and elected Ottocar, King of Bohemia, as their duke. Thus stood matters at the time of the appearance on the political stage of one of the most illustrious dynasties that has ever ruled in Europe.

ORIGIN OF THE HAPSBURGS.

The present representative of the house of Hapsburg who sits on the Austro-Hungarian throne traces his blood in a direct and unbroken line back to Guntram, Count of Alsace, who flourished in the tenth century. Kanzeline, son of Guntram, had two sons, Rodebot, Count of Cleggo, and Werner, Bishop of Strasburg. Early in the eleventh century the latter built the castle of Hapsburg on an eminence above Windisch, in the district of Aargau in Switzerland. This castle became the family home, and gave their title to the future counts. Rodebot had two sons—Otho, who died in 1046, upon whose death his younger brother, Werner, succeeded to the countship, and is the first who is known in history as Count of Hapsburg. This house continued to flourish among the mountains of Switzerland for two hundred years. The counts were constantly adding to their dominions, both in Switzerland and in the adjoining German territory. In 1218, Rudolf, who is reckoned the founder of the Hapsburg dynasty, was born. He was more adventurous and daring than any of the members of

his house who had preceded him had been. He was almost constantly in war, sometimes in the service of neighboring princes, and sometimes adding to his own dominions.

In 1273, entirely unsolicited and unexpected by him, Rudolf was elected German Emperor, and the interregnum of nineteen years, during which time three futile kings had been struggling for the throne, was at an end. On the elevation of Rudolf to the imperial throne Ottocar, who, as we have just seen, had recently acquired the Duchy of Austria, refused to recognize him. A war between them ensued, resulting in the complete triumph of Rudolf. By treaty of November 22, 1276, Ottocar not only acknowledged Rudolf as emperor, but released to him all claim to Austria, and also to all the other territory by him held, except that which belonged to the crown of Bohemia. Thus passed under the control of Rudolf, Austria, Styria, Carniola, and other territory. By subsequent negotiations these territories passed, in 1282, as hereditary possessions to the house of Hapsburg, the members of which were now made hereditary Dukes of Austria. Thus, from a small countship in Switzerland, the Hapsburgs had, in a short time and almost at a bound, become one of the richest and most powerful houses in Europe.

During all of the fourteenth century the Dukes of Austria were making themselves felt, and, on the whole, were adding to the power and reputation of their house. With comparatively little contest between themselves the numerous children were busy, frequently fighting those who were attempting to encroach on their domains, and at other times fighting for some of their neighbors, from whom they hoped to get concessions of territory.

In 1452 the Emperor Frederick confirmed the Austrian princes in the title of archdukes which had once been assumed and then relinquished. Other privileges and dig-

nities were, from time to time, granted, so that these archdukes possessed greater privileges than any other princes in the Empire, and in dignity were only inferior to the electors. Their absolute authority in the Government of their own territory was generally conceded.

TROUBLE WITH THE SWISS.

While Rudolf, as advocate, had exercised a large influence in the affairs of Switzerland, his house, when they became Dukes or Archdukes of Austria, became more interested in that territory than in their original patrimony, and, most naturally, they lost their hold on the Swiss people. When, as duke, or even as emperor, one of the Hapsburgs attempted to exercise authority in Switzerland, it was sure to be resisted. In a decisive battle with the Swiss, in 1315, the Austrians were completely routed. From this time the Swiss cantons became virtually independent, although the Empire continued to claim jurisdiction over them till the time of Maximilian I, early in the sixteenth century, when their independence was conceded, although it was not put into a treaty till the Peace of Westphalia, in 1648. In the meantime the Tyrol and other territory had been added to the Austrian dominions.

ACQUISITION OF BOHEMIA AND HUNGARY.

When Charles V became emperor, in 1521, he ceded his interest in the Austrian territories to his brother Ferdinand, who thereby became the head of the Austrian house. Ferdinand married Anne, sister of Louis II, King of Hungary and also of Bohemia, and obtained from him a family compact providing that Ferdinand and his heirs should succeed to both of those kingdoms on failure of heirs in

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Louis. Louis was killed in a battle with the Turks, in 1526, and left no heirs. Ferdinand's success in getting possession of those two thrones has already been told in the sketch of those kingdoms. From this time is dated the union of Hungary and Bohemia with the dominions of the house of Hapsburg.

ABSOLUTISM OF THE HAPSBURGS.

To no royal house has monarchical despotism been more indebted than to the house of Hapsburg. Before the close of the fifteenth century, Maximilian I had established the preponderance of his house, and from that time down to the last half of the eighteenth century the whole history of the Hapsburg rule was one of centralization of power and of its oppressive exercise. But, unlike his predecessors, Joseph II exhibited a disposition to govern in the interest of his subjects rather than with a view to the aggrandizement of his house. To a great extent he granted religious liberty, took the censorship from the press, improved the educational system, and attempted to improve the commercial advantages of the country by the establishment of a protective tariff. Perhaps of more benefit to his people than all his other reforms was the abolition of villanage throughout the Empire.

CONTEST WITH FRANCE.

During the French Revolution, and the existence of the Consulate and the Empire of Napoleon, Austria was engaged in an almost continual struggle with France. She was an active member of most of the European coalitions that were formed against Napoleon, and, perhaps, suffered more than any other nation that took part in them. Sel-

dom is a nation called on to sign such humiliating and ruinous treaties as those of Campo Formio, Luneville, Pressburg, and Vienna were to Austria. They could hardly be compensated by the victories of 1814 and 1815, which turned the scale against France. The struggle ended in Austria's financial bankruptcy. The emperor (Francis II, of Germany), seeing the hopelessness of reconstituting the German Empire after it had been dissolved by Napoleon, and while nearly all of Germany was in the possession of the French armies, surrendered the imperial crown of Germany, and declared that the Empire had ceased to exist, on August 6, 1806, and from thence assumed the Government of Austria and her provinces alone, as Emperor Francis I, of Austria.

INTERFERENCE IN EUROPEAN AFFAIRS.

In 1815, Austria entered on a new crusade for the up-building of absolutism and the suppression of all liberal tendencies in government wherever they might appear. The Holy Alliance, formed between Prussia, Austria, and Russia, was to be justified only on the theory that the people had no right to participate in government. During the next quarter of a century, or longer, the military and diplomatic hands of Austria were discernible in the history of many of the European Governments, and always put forth in aid of absolutism. Notwithstanding the strenuous exertions of the Austrian ministry, at home and abroad, to make despotism supreme in government, and especially to centralize the forces of the Empire, and to make the emperor independent of any other power or influence in the Government, the principles of popular government continued to assert themselves, and despotism became more and more among the impossibilities.

REVOLUTION OF 1848.

The European uprising of 1848 broke out in Austria in March of that year by a demand on the part of the university students and others for a Constitution granting the usual liberal provisions for civil and religious liberty. Although the petitioners were at first dispersed by the army, the demands of the people were soon acceded to by the emperor. The revolutionists obtained control of Vienna, causing the emperor and his court to retire into the Tyrol, and afterwards into Moravia. On December 2, 1848, the Emperor Ferdinand I abdicated, and was succeeded by his nephew, Francis Joseph. During this and the following year the revolt was quelled both in Austria and her dependencies. Meanwhile, on March 4, 1849, the emperor had proclaimed the incorporation of Hungary with Austria under a new Constitution for the Austrian Empire.

It was with a vigorous and unsparing hand that the insurgents were treated, at home and in the provinces. Imprisonments and executions were inflicted on all the leaders of the revolt, and a Government even sterner than before, if possible, was inaugurated. Hungary was treated as a conquered territory, and Bohemia was denied all her ancient privileges. In 1849 a Constitution had been promulgated for the Empire, but it contained few guarantees of popular rights, and, in 1852, this Constitution was annulled and an absolutism pure and simple reinstated.

LOSS OF TERRITORY AND POWER.

The war with France and Italy, in 1859, had little effect on Austria's Constitutional growth; but, as a result of that struggle, she lost her Italian provinces. She now entered on her last great conflict with Prussia. On the formation

of the Germanic Confederation, after the dissolution of the German Empire and the termination of the war with France, in 1815, Austria became its leading member and the most influential in directing the affairs of Germany. This position she maintained till after her war with France, in 1859. During the next few years a diplomatic contest ensued, in which Prussia's supremacy became apparent, and her controlling influence in German affairs from that time was not doubted. Austria was then finally driven out of Germany.

THE NEW MONARCHY.

CONSTITUTIONAL GOVERNMENT.

After the loss of the Italian provinces, on the conclusion of the 1859 war with France, the Emperor of Austria seemed to realize that something must be done to appease the public discontent which everywhere prevailed, and which force seemed insufficient to suppress. In 1860 an effort, apparently in good faith, was put forth to remedy some of the evils. For the absolute and despotic Government that had nearly always ruled in the Empire it was proposed to substitute a limited monarchy, with a right on the part of the people, through their representatives, to take some little part in Government. Constitutional Government in Austria may be said to have commenced with the imperial diploma of October 20, 1860, which gave the right to Provincial Diets to legislate on local matters, and the imperial patent of February 26, 1861, by the terms of which the Reichsrath was made to consist of two Houses, a House of Lords and a House of Deputies, the latter to have a largely-increased number of representatives, with the usual rights of parliamentary bodies, and

on which was conferred some few legislative powers. The first new Reichsrath under this Constitution met in May, 1861; but only a part of the States were represented. The attempts of the Government to solve the difficulties, however well meant, were unacceptable to the people. Renewed efforts were made to harmonize the discordant elements, and new projects looking towards the adoption of substantial reforms were put forth during the next few years. Several different ministries successively undertook the task of settling the trouble, but without avail.

Finally, in 1867, a ministry was formed under the presidency of Count Von Beust, who, being willing to make the necessary concessions for popular government, succeeded in gaining the consent of the various bodies of the Empire to a compact between the Empire of Austria (Cisleithania) and the Kingdom of Hungary (Transleithania), whereby a dual monarchy was formed. By the terms of this Constitution, which was adopted in February, 1867, and which was added to from time to time thereafter, the Emperor of Austria and the King of Bohemia was acknowledged the apostolic King of Hungary. An imperial responsible ministry for the whole monarchy was formed to have charge of foreign affairs, war, navy, and finances, so far as they relate to the joint monarchy, and also of certain questions pertaining to commerce. But the Empire of Austria and the Kingdom of Hungary each has its own Constitution, with its own ministry, responsible to its own Legislature, its own Legislative Department having control of all national matters not declared to be common to both countries. From the Reichsrath of Austria, composed of two Houses, and the Diet of Hungary, likewise composed of two Houses, are chosen representatives of each House, one-third of the entire number to be chosen to come from the Upper Houses and two-thirds

from the Lower Houses, who form the imperial delegation having legislative authority for the whole monarchy. Of this, as well as of the Cisleithan Reichsrath and the Transleithan Diet, and also of all provincial Diets, the emperor, or his representative, forms an integral part. No law can be made nor in any respect modified without the consent of the appropriate legislative body. Representatives of the Lower House of the Reichsrath are chosen by the Provincial Diets from their own body; but in case the Provincial Diets shall refuse to send delegates, the Government may order direct elections by the people. Suffrage is contingent on the payment of a certain amount of tax. Representation in the Provincial Diet embraces the chief ecclesiastics of the province and delegates chosen by towns, commercial and industrial bodies, and rural communities.

The main portions of the fundamental laws of the monarchy were approved by the emperor on December 21, 1867, and three days later the first imperial ministry was appointed, with Von Beust, now created Count and Chancellor of the Empire, as prime minister. The judicial system of Austria has undergone several revisions from 1804 to 1867, notably in 1811, 1851, and 1852, and by the fundamental laws of 1867. There are now no privileged jurisdictions. District courts have original civil and criminal jurisdiction in inferior matters. County courts have original civil and criminal jurisdiction in more important matters, and appellate jurisdiction from district courts. Provincial courts have appellate jurisdiction from district and county courts. The court of last resort is the Court of Appeals sitting in Vienna.

SWITZERLAND.

EARLY HISTORY.

FROM three cantons, constituting the original League, Switzerland has developed into a nation containing twenty-five States—nineteen cantons and six half cantons. The ancient Helvetians, which name designated the combined settlers of this mountain district, were for several centuries subject to Rome. During the barbarian invasions of the Roman Empire most of the original inhabitants were killed or driven out. When the Franks began their series of conquests, Helvetia passed under their control, and, upon the death of Rudolf III, the last king of the Kingdom of Burgundy or Arles, in 1032, it became, at least nominally, subject to the German Empire, Rudolf, by his will, having transferred the country to the Emperor Conrad. The great number of races that have been represented in the settlers of this country have not left their impress on the people to any visible extent, although there is a great diversity of character and appearance between the inhabitants of different cantons. The Teutonic and Latin languages form the groundwork of most of the dialects spoken in the various cantons.

BEGINNING OF NATIONALITY.

In 1291 was formed the first League by Schwytz, Uri, and Unterwalden. In 1332, on being joined by Lucerne, they became known as the Four Forest Cantons. The other cantons were added from time to time, some voluntarily and others by force. In the fifteenth century Schwytz had a controlling influence in the Government of the League, and gave its colors, and also its name—Switzerland—to the Confederacy. Christianity was introduced during the rule of the Franks. At an early period of the Reformation the principles of the Reformed religion took deep root in this country, and Protestantism forms the religion of a majority of the population, and here are found the seats of large religious educational and publishing interests.

RISE OF THE ARISTOCRACY.

From an early day every variety of feudalism had been in operation in several cantons and a numerous nobility, ancient in origin, lay and ecclesiastical in make-up, divided the country among themselves. This nobility accounts for the strong aristocratic element that enters into the Government of so many of the cantons. The destruction of a large part of the nobility during the Crusades was advantageous to the growth of the cities, several of which rose into great prominence; the Emperor Frederick II made Berne and Zurich free imperial cities.

CONTEST WITH THE HAPSBURGS.

The ancient castle and family possessions of the Hapsburgs were in the Province of Aargau, and the counts of this house held large fiefs and exerted great influence in this part of the Empire. The title of advocate to a convent

conveyed a kind of indefinite guardianship and right of interference in the affairs of the religious institutions, which made it, in those turbulent times of feudal anarchy, a position of the most tempting character to an ambitious chief. The people had made Rudolf of Hapsburg their advocate. On the death of Rudolf, in 1291, Albert succeeded him as advocate, and, a little later, as emperor. Besides the local rights which his position as advocate gave him, Albert, when he became emperor, attempted to send imperial bailiffs into the country as administrators of criminal justice. These valleys in the heart of the Alps had been, for ages, inhabited by a pastoral people so secluded and forgotten as to have acquired a virtual independence, with a General Assembly to regulate their affairs, although they acknowledged the general sovereignty of the Empire. Schwytz, Uri, and Unterwalden, being unused to control, refused to submit to Albert's bailiffs, and with force expelled them from their dominions. From this time dates the conflict between the Swiss and Austrians, which continued, with varying success, until the former attained their independence. By the opening of the fifteenth century Switzerland was practically a free country, treated as such by the surrounding nations, although its independence was not acknowledged by treaty till the Peace of Westphalia, in 1648. In addition to its foreign wars, there were fierce internal struggles between various factions in the Confederacy. The struggle between the Catholics and Protestants was long, and resulted in the liberty of each canton to regulate its worship as it saw fit. The conflict between the aristocracy and the people was also memorable, resulting in the full recognition of the right of the people to govern themselves. However, great dissimilarity existed in the administration of the Government of the several cantons.

ORGANIZATION OF CONSTITUTIONAL GOVERNMENT.

In 1798 a French army marched into Switzerland and proclaimed a Republic, with a Constitution which, although generally introduced, was soon overturned by the action of the allied armies opposing the French. In 1803, on the invitation of Napoleon, deputies from all the cantons assembled in Paris and received from him the act of mediation, which restored the cantonal system of Government, and added a number of new cantons created out of subject territory. A Diet, formed of commissioners voting according to instructions, was the governing body. Sovereign popular assemblies were recognized in democratic, and councils in aristocratic, cantons. The liberalizing tendency of this Constitution was soon manifest, and under it Switzerland had a comparatively good Government till the overthrow of Napoleon. In 1815 a new Constitution was adopted, by which the cantons guaranteed to each other their independence and Constitutional rights. Supreme power, on such subjects as were to be under its control, was conferred on the Federal Diet, while other matters remained under the Government of the cantons. The great Powers declared the inviolability and neutrality of Switzerland. Through the influence of the Powers, which, under the circumstances, almost amounted to a control, Switzerland joined the Holy Alliance, and for several years pursued a policy less encouraging to personal liberty than could have been wished. At the same time the influence of the aristocracy in Government was increased at the expense of the common people.

The Revolution of 1830 in France had its influence on the Swiss also, and a new uprising in the interest of liberty took place and resulted in a change of several of the can-

tonal Constitutions, whereby a more liberal Government was provided.

Between 1830 and 1848 serious religious differences occurred, which threatened to desolate the Confederacy. Notwithstanding convents and cathedral chapters had been guaranteed by the Constitution, an attempt was made to abolish them, which was, in part, successful. The Jesuits were also driven from the country notwithstanding Austria's protest.

While foreign Governments were busy over their own conflicts in 1848, Switzerland prepared and adopted a new Constitution. This Constitution remained in force till 1874, when a revision was had, by the terms of which sovereignty is reserved to the cantons except in so far as it is expressly given to the Confederacy. No alliances can be formed by any canton without permission. The Constitution of each canton, republican in form, adopted by the people, and providing for its own revision by a majority of the people, is guaranteed. Foreign relations are to be transacted by the Confederacy. All personal privileges are abolished, and all Swiss are equal before the law, with the right to liberty of conscience and freedom of worship. The cantons are to preserve peace between different religious communities, and to prevent encroachment on the rights of citizens by ecclesiastical authority. The executive power is vested in a Council of Seven, chosen for three years by the Federal Assembly, which Council, through its various members, administers the several departments of the Federal Government. The president and vice-president are chosen for one year by the Executive Council from its own members, and neither is eligible for re-election till one year has intervened. The legislative power is vested in a Federal Assembly, composed of a

National Council, chosen for three years by general suffrage, and a Council of State, consisting of two from each canton. The Federal Assembly also chooses the Federal Court. Most judicial questions are first brought to hearing in the courts of the cantons. In some of the cantons the jury system prevails, but not in all. Pure democratic government is in vogue in some of the cantons, while the representative system prevails in others. No standing army is permitted, but every able-bodied citizen of military age is subject to be called on for defense of the country. Military matters are generally under the control of the Confederacy.

THE NETHERLANDS.

ROMAN RULE.

HOW LONG before the Christian era the early emigrants began to redeem this *Netherland* from the dominion of the waves I shall not stop to inquire. It is known to us from the time when Cæsar with his legions brought Western Europe under the scepter of Rome. The Batavians, as the progenitors of the people of Holland were then called, were rather allies than subjects of Rome, and the Batavian cavalry gained immortality in the Roman legions. An attempt of the Batavians under Civilis, in the last half of the first century, to become entirely independent of Roman rule, failed, and no formidable revolts are recorded as having subsequently taken place. In the fourth century the Batavians and Belgæ seem to have merged, to a large extent at least. When the Frankish monarchy arose in the fifth century it included all of this territory.

FRANKS AND LATER RULERS.

The Netherlands were Christianized in the eighth century, and formed a province of Charlemagne's Empire. The feudal system was introduced, and under this system a part of its lords owned the kings of Germany, and a part the kings of France, as overlords. In 922 the first Count of Holland was created by letters patent granted by Charles

the Simple, of France. During the next two or three centuries the country was under the rule of dukes and counts, who were nearly independent of foreign control. In the thirteenth century the Count of Flanders became the most powerful of these native princes. In 1384 the house of Burgundy acquired control of a large part of the country, and very soon all of the Netherlands passed to that house. The ancient Assembly of the Netherlands, the States General, exercised almost unlimited power, and seldom and grudgingly made grants of money to the outside ruler claiming sovereignty. In 1477, Mary, sole heir of Burgundy, married Maximilian, Archduke of Austria, and thereby carried the Netherlands along with her Burgundian possessions, to the house of Hapsburg. When the Emperor Charles V abdicated, in 1556, he transferred the Netherlands, consisting of seventeen provinces, with Spain, to his son Philip.

STRUGGLE FOR INDEPENDENCE.

Under the reign of Philip II the highest form of absolutism was attempted to be exercised, and, for the purpose of extirpating heresy, he introduced the Spanish Inquisition. The resistance of the Hollanders to Philip's attempt to crush out their liberties forms an interesting chapter in the history of the struggle for free government. In 1579 the seven provinces (soon thereafter two more joining with them) comprising the present Kingdom of the Netherlands, formed the Union of Utrecht. This was the foundation of the Government of the United Provinces, which acquired their independence, leaving the other provinces under Spanish rule. On the death of Philip II, in 1598, the independence of the United Provinces was assured, although not formally acknowledged till a half-

century later. The contest continued under different governors-general sent out by Spain; but at the Peace of Westphalia, in 1648, she forever relinquished her claim to the Dutch Netherlands.

During their contest with Spain the Dutch had built up a fleet that placed them among the leading naval Powers, and with it they soon became the leading navigators and colonizers of the world.

INTERNAL CONTESTS.

While the old national inclination to keep the supreme power in the States-General was not abandoned, it was, in a measure, suspended during the struggle for independence. William of Orange, as stadtholder, was given almost dictatorial powers, and the same policy was pursued with his successors. But when peace, with acknowledged independence, was attained in 1648, a desire for a more restricted power in the executive was manifested. In 1650 the office of stadtholder was abolished, and the supreme power was lodged with the States-General. After a protracted struggle between rival factions, the house of Orange was again successful, and William III was made stadtholder, with practically the same powers as had been conferred on his ancestors.

FRENCH SUPREMACY.

These contests between the Orange and the anti-Orange parties continued, with varying success, till the country was conquered by the French in 1795, when the Batavian Republic was inaugurated. This Republic was succeeded, in 1806, by the Kingdom of Holland, established by Napoleon, who placed his brother Louis on the throne. Louis, as a fair ruler, attempted to protect and advance

the interests of his kingdom. His imperial brother, thinking that Holland, as well as his other subject kingdoms, should be ruled with the primary object of contributing to his glory and power, was dissatisfied with Louis's conduct, and made it so uncomfortable for him that he abdicated in 1810. Holland was then seized by Napoleon and incorporated into his Empire as a part of France.

ESTABLISHMENT OF THE MONARCHY.

When Napoleon lost his power, and his Empire was broken up, an assembly of the Dutch nobility convened and adopted a Constitution providing for a limited monarchy. They elected William of Orange king. The great Powers, which assumed the right to divide up Europe, and to settle her affairs about as they pleased, acquiesced in the selection of William as king, and also added Belgium to Holland under his rule. Possibly even a more liberal and equitable adjustment of their interests in the new Government would not have overcome the centuries of hatred which the Belgians had entertained for the Dutch, growing out of the differences of language, religion, and habits. But certainly the unjust treatment they were subjected to by the Government of William did not tend to unite the Belgians to his Government. The opposition which had theretofore been confined to protests, petitions, and peaceable efforts to relieve themselves from unjust rule, broke out into open revolt in 1830, which resulted in the final separation of the two countries.

CONSTITUTIONAL GOVERNMENT.

The expression of liberal principles which was made everywhere in 1848 was manifested in the Netherlands in a revision of the Constitution, by means of which they in-

roduced into that article and incorporated into their fundamental law more liberal principles of government. The Netherlands Constitution provides for a limited monarchy, hereditary in the house of Orange-Nassau. The king is given full executive authority, with a large share of power in Government. He is furnished with a ministry whom he may consult; but he is at liberty to act independent of their advice. With him rests the negotiation of treaties, the declaration of war, the conclusion of peace.

Justice is administered by a system of courts—cantonal, district, provincial—all having original jurisdiction of matters specifically placed with them. The highest court of the Netherlands has appellate jurisdiction from the inferior courts, and in addition to this has original jurisdiction of cases in which the great officers of state are involved. The judges of this court are appointed by the king from a list of nominations presented by the Lower House of the States-General.

The States-General possesses the power of legislation, and is composed of two bodies, the First and Second Chambers. The members of the First Chamber are elected by the Provincial States from a limited number of citizens who are eligible to that position. The members composing the Second Chamber are chosen from electoral districts by a direct vote of the people possessing the requisite qualifications for electors. The president of the First and the speaker of the Second Chamber are appointed by the king. Ministers of state have a seat in these bodies, but can not vote. The States-General meets annually, and must sit at least twenty days. No measure can pass which does not receive the assent of the majority of the members of each House. The States-General may be dissolved by the king; but he must call an election and convoke another meeting within two months.

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For local government there are Provincial States, composed of members chosen much in the same way as the States-General. The States have both legislative and administrative powers. Their deliberations are presided over by a commissioner appointed by the king. Communes are governed by a burgomaster appointed by the king, and a council elected by the people.

Free religious liberty is accorded, absolute protection to person and property are provided for, and the freedom of the press and the right of petition are guaranteed.

BELGIUM.

EARLY HISTORY.

WHILE the Counts of Flanders were among the principal characters in European history, Belgium was a part of their territory. From Flanders it passed to Burgundy in 1384. Mary, the only child of Charles the Bold, and the heir to all the Burgundian possessions, married the Archduke Maximilian in 1477, and carried to Austria the Belgic provinces, along with the rest of her father's dominions. Charles V, the grandson of Maximilian and Mary, as heir to Belgium and Spain, united the Belgic provinces to the Spanish crown. While the United Provinces, to which Belgium had originally been connected, successfully revolted from Spanish despotism under Philip II, the Belgians remained faithful subjects of Spain. After being the battle-ground of all Europe for a century, and the subject of barter at the several treaties of Aix-la-Chapelle in 1668, Nimeguen in 1678, and Ryswick in 1697, Belgium was finally given to Austria at the Peace of Utrecht in 1713, and there she remained till the breaking out of the French Revolution.

PERIOD OF FRENCH INTERFERENCE.

In 1789 occurred a series of revolts. The people demanded the formation of a Republic, but, until the French came to their aid, they were not able successfully to resist the Austrian arms. When the French army entered the

country and drove out the Austrians, the Belgians united themselves to France, and so remained till 1814. On the first overthrow of Napoleon, Austria again assumed the government of Belgium; but at the final settlement of political affairs by the Powers, in 1815, Belgium was united to Holland to form the Kingdom of the Netherlands for William of Orange. The conditions of the union were so unfair to Belgium, the differences in language, habits, and religion between the two people, and the centuries of antipathy each had been treasuring up against the other, combined to make the political union of the two peoples an impossible one for any great length of time.

REVOLT AGAINST HOLLAND'S RULE.

Various governmental measures were passed which aggravated the difficulty, and those proposed in 1830 seemed to render conditions intolerable. An insurrection broke out in Brussels, which spread throughout the kingdom. To a petition for a reform of the Government presented to him by a congress of citizens, the king made no satisfactory answer. However, negotiations continued between the king and the insurgents for some time. In September, 1830, the king sent troops to Brussels to put down the revolt. A bloody encounter took place, but finally the troops had to retreat. A Provisional Government was formed at Brussels, which summoned a National Congress. This Congress met in November, declared the independence of Belgium, and proposed a Constitution which was adopted February 17, 1831, by an almost unanimous vote. The monarchical form of Government was preserved, but political, religious, social, and economic freedom was granted.

At the request of King William, a conference of the

Powers which had guaranteed the security of his Government was held in London. After some consideration the independence of Belgium was recognized, but she was required to assume a part of the national debt.

The Belgians first offered the crown to a son of Louis Philippe, but the Powers would not permit him to accept it. They next chose Leopold of Saxe-Coburg, who proved acceptable to the Powers, and was crowned in July, 1831.

Holland renewed the war, and attempted to conquer the Belgians; but with the aid of France, the Belgians drove the Hollanders out of the country. Peace was not finally concluded till 1839, when Limburg was divided between the two kingdoms.

CONSTITUTIONAL GOVERNMENT.

Belgium, under her Constitution, is a limited, hereditary monarchy, with the right of the king, on default of heirs, with the consent of the Chambers, to nominate his successor. A small tax payment is required to entitle one to the right of suffrage. The Legislature is composed of a Senate and a House of Representatives, both elected by the people. For eligibility to the Senate a property qualification is required; but only citizenship is required to entitle one to a seat in the House. All bills for raising revenue must originate in the House. The Legislature assembles annually, of right, on a day fixed by law, and on summons of the king. The king may dissolve its sessions, but must convoke it again within two months. All citizens are equal before the law, but the king may confer titles of nobility, with no special political rights attaching thereto. The judicial system provides provincial and local courts, with right of appeal to the highest national court. In criminal cases and for political offenses the right to a jury trial is guaranteed.

ITALY.

THE ROMAN MUNICIPAL SYSTEM.

AS MANY of the Northern European Governments have succeeded the old Roman Empire, which has, to some extent, influenced their history and development, it may be found helpful to look at some of the features of that Government which have entered into the make-up of those Governments which have succeeded it and have been built on its ruins.

It was the policy of Rome to leave most of her conquered territory in possession of the conquered inhabitants, who were allowed to retain, to a great extent, their ancient rights. Throughout Italy, in Spain, and in Southern Gaul the inhabitants were generally concentrated in cities. A few of these cities were at once, on coming under Roman jurisdiction, given full political rights; but more of them were left with the regulation of their own local affairs, but with no participation in general Roman affairs, which would require their going to Rome to vote; for all voting was done in Rome. It was not till the time of Augustus that the privilege of voting could be exercised at home, after which the ballots were sealed and transmitted to Rome to be canvassed in the Comitia.

After various struggles and wars, full citizenship was granted to all the towns of Italy, and to a portion of those

in Gaul and Spain. Such towns as possessed this right were called *Municipia*. In those towns political rights were entirely separate from municipal rights; the one were exercised in Rome—actually, before the time of Augustus, and theoretically so after that time; the other were participated in by the inhabitants of the town and independent of Roman influence. The municipal rights thus secured to a town embraced, with others, the regulation of its worship, the raising and administration of its own revenue for all local affairs, the determination of its own matters of police, and the erection and maintenance of its own edifices for worship, amusement, and utility. The magistrates charged with these duties were elected by the people or appointed by the Curia.

The exercise of political power naturally led the leading citizens to Rome. But when Rome degraded political rights by conferring suffrage indiscriminately on the inhabitants throughout the Empire, the importance of those who had formerly alone possessed it ceased, and all became equal. This induced the wealthy and leading citizens who had formerly resorted to Rome, now to abandon her common privileges and to return to their own *municipia*, where the despotism of the Imperial Government, which had destroyed political rights, had not yet entered to interfere with municipal privileges. It was at this period that municipal privileges became of great value, and were the most sought after.

But with Diocletian was inaugurated a system for the invasion of municipal privileges and making them subservient to imperial tyranny. Confronted as it was by barbarians, by a hungry populace, and by an army conscious of its own importance, the central despotism was forced to increase its revenue, and to lay hold of all the forces within the State. The collection of the local revenue hav-

ing been left with the officers appointed by the Curia, they were made responsible for the collection of the full amount assessed, and their private fortunes had to respond for any deficiency. Positions which had been sought after as privileges were now looked on as burdens, and there was a constant tendency to escape from Curial functions. The law had to interfere and stop the abandonment of positions which were once regarded as the highest honors. By the ruination of the body of the citizens, despotism had rendered the State ineffective to offer any substantial resistance to the barbarian invasions. The invaders found these municipal institutions in the towns and cities in full operation, and with all the forms and ceremonies observed in the time of their ancient glory, but possessing little practical life. However, they furnished a form around which clustered memories of substantial personal rights, and became important factors in the development of government under the barbarian conquerors.

GERMAN INVASIONS.

The Roman Empire was hundreds of years in dying. Theodosius the Great, one of the greatest of the emperors, was able, by his ability, to repress the attacks that were made on the Empire in his time, or to satisfy the invaders by a gift of territory. But on his death, in 395, there was no longer any reasonable hope of preserving the integrity of the Empire. His son and successor, Honorius, gradually withdrew the legions from Britain, Gaul, and Spain, and left these provinces largely to the mercy of the barbarian hordes that were pressing upon them.

Under such circumstances the inhabitants of these territories had to make the best terms with the invaders that they could. Rome did not formally abandon the Gov-

ernment of Gaul and Spain, but, being unable to maintain her supremacy by arms, she could do little more than exert a moral sovereignty where her real power had ceased. She conferred some of her own titles on the chieftains of the invaders, and allowed them to exert their real authority in the shadow of a Roman name. In a large measure her municipal system was left in operation in the cities and towns of Gaul and Spain after those countries were really under barbarian rule.

The forces thus pressing on the provinces of the Empire were German, and, to a certain extent, they had been giving trouble for several hundred years. Just at the close of the second century B. C. the Cimbri and Teutons had invaded Italy, and were defeated by Marius. Marauding bands continued to make excursions into the Empire at points where they could find it undefended. Sometimes they were annihilated or driven back, and at other times they were assigned certain territory and permitted to settle within the Empire. Many of them who were unwilling to settle down to a peaceful life entered the Roman army, and some of their chiefs became important generals.

The great German invasions into territory that had formed provinces of the Roman Empire, and which resulted in permanent occupation, commenced at the opening of the fifth century. In 409 the Vandals and other tribes ravaged Gaul, crossed the Pyrenees, and founded two or three kingdoms in Spain, which were thereafter united. In 414 the Burgundian monarchy was founded in the east of Gaul. In 412 the Visigoths established the Kingdom of Aquitaine in Southern Gaul. About 414 they crossed the Pyrenees, drove out the Vandals, and established a new kingdom in Spain. In 429 the Vandals, having been driven out of Spain, crossed over into Africa and established a kingdom there. In 449 the Saxons commenced their in-

vasion of Britain. In 476, Odoacer, at the head of the Heruli, overthrew the Government of Romulus Augustus, the last of the Western Emperors, and proclaimed himself King of Italy. In 481 the Franks established themselves in Gaul. In 493 Theodoric the Great, King of the Ostrogoths, conquered, and for a time ruled over most of Italy. Thus, during the fifth century, Britain, Gaul, Spain, and Italy, all of which had formed important provinces of the Roman Empire, were in complete possession of the Germans. However, about the middle of the sixth century, Justinian's generals reconquered portions of Italy, and for some time the Eastern Empire ruled it through exarchs residing at Ravenna. The last German invasion into Italy was made in 568 by the Lombards, who possessed themselves of most of Northern Italy. It was they who introduced into Italy the feudal system as then established in Germany. In the various conquered provinces Roman despotism had destroyed in the natives all feeling of independence and self-reliance, and when the decisive hour came that threw them on their own resources in a contest with unconquered barbarians, they were entirely unable to resist the attack with the vigor put forth by the free savages of the North, and, consequently, these several countries passed under their control.

GUELF AND Ghibelline.

Somewhat earlier than the middle of the twelfth century two terms, as party appellations, came into general use in Germany, and were soon transferred to Italy. These terms never had any especial appropriateness; but whatever might have been urged in their favor when originated, ceased to have any force long before they were dropped as designations of warring factions. Guelf, or Welf, was

the name of an ancient house whose home had been at Altorf in Swabia, but who had large inheritances in Bavaria; several members of this house became Dukes of Bavaria. Ghibelline, or Waiblingen, was a town in Franconia, the home of Conrad II, the founder of the Franconian or Salic line of emperors. Henry V, the last of this house, was succeeded by Lothaire the Saxon, whose only daughter married Henry the Proud, Duke of Bavaria, the recognized leader of the Guelfs. Henry had hoped to succeed Lothaire as emperor, but failed to secure an election, and Conrad III, first of the Hohenstauffens, or Swabian house, was elected. He was looked upon as a successor of the Franconian interests, and hence the head of the Ghibelline party. A bitter antagonism sprang up between these houses.

By marrying into the Guelf family the Marquis of Este became the recognized leader of the Guelf party in Italy. As his house took the side of the pope in the contest then dividing the country, the Guelf became recognized as representing the side of the Church as against the Ghibellines or imperial party, representing the Empire. These names were used in Italy, from the beginning of the thirteenth to the beginning of the sixteenth century, to designate the warring factions into which that country was principally divided during those centuries. Sometimes it was difficult to tell about what the parties were fighting, as there seemed nothing between them except the difference in names. But, on the whole, the Guelfs were devoted to the popes, and the Ghibellines to the emperors. These terms, having no definite meaning, were expressions whose use easily aroused animosities when no principle was at stake. At no time after the death of Frederick II does there seem to have been any significance, or principle, to these terms as party designation.

LOMBARDY AND THE FRANKS.

The Lombards under Alboin, settled in Italy in 568, with their capital at Pavia. They subdued most of Northern and part of Central Italy. This was the last German invasion. It was this people who introduced the feudal system into Italy. In the first half of the eighth century a conflict of interests occurred between the Lombards, who were seeking to extend their kingdoms, and the Greek Empire, which ruled Rome through an exarch residing at Ravenna. Leo the Isaurian, Emperor of Byzantium, Luitprand, King of Lombardy, and Gregory III, Roman pontiff, were contemporaries. Leo attempted to abolish image-worship; Gregory resisted. The contest between them enabled Luitprand to possess himself of Ravenna; he also made designs on Naples and Rome. To this Gregory objected. Instead of choosing between these rival Powers, Gregory sought to array one against the other, and secure the ruin of both. Had it not been for the action of the pope at this time the Lombards would have become masters of all Italy, and have established a strong kingdom that would have been able to protect itself against all foes. As it was, the policy pursued made Italy the field of contention for the armies of Spain, France, Germany, and Austria. History can only record its condemnation of a system of selfishness which invited and procured contention, strife, and bloodshed for a thousand years, where there would naturally have been a strong and able Government under which the people might have worked out an advanced civilization.

The pope secured the assistance of the Venetians, and drove the Lombards out of Ravenna. Subsequently, having trouble with the emperor, he took sides with the Lombards, and thus checked and finally crushed the Greek

powers in Italy. Astolph, King of Lombardy, having again taken Ravenna in 751, was about to reduce all of Italy to his dominion. Pope Stephen II at first solicited the aid of the Greek emperor; but he being too slow, Stephen appealed to the Franks. He went in person to Paris, where Pepin had caused himself to be elected king, and was desirous of adding some real or acknowledged authority to his own forcible usurpation of the crown, in support of the new royal line. Stephen reconsecrated Pepin in the Church of St. Denis, and made him and his sons patricians of Rome. In consideration of this favor Pepin immediately made an expedition to Italy, took Ravenna, and at once made it over to the pope, the sovereignty, however, remaining with Pepin. When Charlemagne came to the throne he exercised sovereign power, not only over Ravenna, but also in Rome itself. His successors were less tenacious of the exercise of power, and as they relinquished their hold the pope gathered it up. Finally, in 876, Charles the Bald renounced all right, and ceded the sovereignty of Rome to the Apostolic See.

INTRODUCTION OF GERMAN RULE.

At the time of the final division of the Carolingian Kingdom, in 888, Italy was under the sway of the feudal system, and a number of powerful princes contended for the supremacy. Berenger I was elected king by an Assembly composed of a large number of the nobility, and was generally recognized throughout Italy; he reigned from 888 to 916. Even during his reign there were many local conflicts; and after his death disputes between rival houses, together with invasions by the Hungarians and the Saracens, made the whole land a scene of commotion and unsafety. In their extremity, in 951 the Italians called

in Otho I, King of the Saxons and East Franks, whose powerful arm was able to quell most of the tumults. On this expedition, Otho assumed the crown of Lombardy, the reigning king consenting to hold the kingdom under him as a fief of Germany. In 961, Otho again appeared in Italy to protect and enforce his claims, and at this time he was crowned emperor by the pope, and invested with the imperial dignity. Most of the Italians were charmed with the title of Roman Emperor, and yielded a ready acquiescence to the authority of Otho. This authority continued to be recognized during the continuance of Otho's house upon the throne; but on the extinction of the direct Saxon line in 1002, and the elevation of the collateral branch of the Saxon house in the person of Henry II, the Italians claimed that the compact with Germany was at an end; whereupon they elected one of their own princes, Arduin, king; he disputed with Henry the rule of Italy. During this period there was scarcely any recognized Government; different provinces, especially Lombardy, became accustomed to manage their own local governments.

Notwithstanding the distasteful rule of the Germans, the Italians were so divided among themselves, and so weakened in power, that no native prince could command the united support of the country, and, to avoid the calamities of no Government, on the election of Conrad III to the German throne, in 1024, the Bishop of Milan and a number of representatives of the Lombard nobility went to Constance, where the king was then stopping, and tendered to him the Lombard crown. From this time the subjection of Italy to the German Empire was virtually complete. The supremacy of the Empire, though sometimes shaken, remained practically perfect till the death of Frederick Barbarossa.

ITALIAN CITIES.

When the Empire was broken up, Italy was full of cities. Being near Rome, their municipal element was stronger, and preserved its vitality longer, than in those cities farther from the center. Feudalism was never so well developed in Italy as in many other parts of Europe. These cities owned the land lying around them while the Empire existed. When the barbarians invaded the country the chieftains appropriated these lands, and on them built their castles. In attempting to repossess themselves of these lands, the cities came in conflict with the baronial lords who claimed to own them. Frequently the cities were successful in their contests, and in annexing the lands they added to their power. Their successes emboldened them to attack more powerful lords farther away. If successful, they sometimes compelled these barons to reside within the city limits, subjected their lands to municipal taxation, and required them to assist in the defense of the city. Many nobles, seeing the prosperity of those who belonged to the municipality, forsook their baronial castles and removed to the city.

Before this period many of the inhabitants of the city were slaves. This removal of the nobles to the city introduced therein a better element of society, and by bringing thither the baronial courts greatly increased the importance of the city. By taking the steps just indicated the interests of the barons and the cities were united, while in other countries these interests were usually in conflict. In Italy the contest was between the cities, strengthened, as they were, by the nobility, and the German emperors. The Treaty of Constance, in 1183, between Barbarossa and the Lombard cities, secured great privileges to the confederated cities.

In the twelfth and thirteenth centuries these cities were shaking off the jurisdiction of their lords, counts, and bishops, and electing their own magistrates, styled consuls. They also had a General Council, as well as inferior Councils. At times, when the power of the emperors was most felt, officers of his appointment took the place of elected consuls. After factions became strong, it was customary to elect a citizen from a neighboring State, styled *Podesta*, to whom great power was given. The acquisition of riches gave the nobles means and leisure, and created in them a strong desire to secure political distinction. This led to rivalries, factions, and hostilities between different families. To escape repeated scenes of bloodshed and violence, many cities voluntarily placed themselves under the dominion of a master. Before the middle of the fourteenth century nearly all of these aristocratic cities had fallen under the yoke of some leading citizen.

ITALIAN REPUBLICS.

History does not inform us with any degree of certainty when the Italian cities first gained their rights to self-government, nor when those small Republics began to be formed. Under the Carovingian rulers each city, with its adjacent territory, was subject to a count, and he, in turn, was under a marquis or a duke. The early German emperors were in the habit of detaching territory from various cities, and granting it on feudal tenure to rural lords, who also became counts.

It was probably at the opening of the eleventh century, when the native king, Arduin, disputed with the Emperor Henry II for the Government, that the citizens first acquired a sufficient standing in the government of the cities to be able to assert and establish permanent rights and to

participate in choosing their own magistrates. The feudal regulations were not so strict in Italy as in France, and in many instances a bishop rather than a soldier was at the head of the feudal affairs, and naturally would be less severe in enforcing, by military power, obedience to the chief. The Lombard cities were also more populous and much better defended than those of neighboring countries. These were advantageous circumstances, and help to account for the success of the citizens of the cities in their earlier struggles for self-government.

All records prior to the time of Frederick Barbarossa, in the last half of the twelfth century, have perished; and hence the obscurity of those cities during all of the eleventh and the first half of the twelfth century. But from the chroniclers who give some account of them it is fairly inferable that during the eleventh century the people took part in the wars and contests between the various cities rather on their own account than as mere tools of their leaders. The contests of the emperors with the people, and their trouble in governing their home subjects, rendered them unable to interfere, to a great extent, in the attempt to curb the Italian spirit of liberty, and probably their condition contributed to their disposition to purchase the acquiescence of these Italians in the Imperial Government by granting them large concessions in the matter of local self-rule. It is certain that at the death of Henry V, in 1125, most of the Lombard and Tuscan cities were electing their own magistrates, and acting in all respects as independent communities. The rural nobility were made subject to the government of the cities, and, in many instances, were compelled to reside within the city walls. Thus the nobility became ambitious of directing municipal affairs, and largely succeeded in gaining that authority. The cities added to their strength by conferring citizenship

upon all who would submit themselves to their government. During all the time of the rule of these Republics, even in their greatest ascendancy, the rule of the emperor was, at least nominally, acknowledged; the name of the emperor was used in their public acts, and was stamped on their coin.

The Hohenstauffen or Swabian dynasty reigned for more than a century, 1138-1254, during which time Italy was experiencing great changes; the Republics attained their independence, the Apostolic See established sovereignty over the central provinces, and the Kingdom of Naples was founded. The despotic hand of Frederick Barbarossa seemed destined to almost crush Italian liberty. Milan was captured and destroyed, and most of her liberties, as well as those of other Italian cities, were taken away. Foreign magistrates were introduced, and little of self-government remained. Mutual jealousies and hatreds, which had long existed among these cities and had contributed to their downfall, were now in a measure forgotten, and the cities entered into a secret league to regain their liberty. Milan was rebuilt, and a period of general prosperity ensued. Frederick, engaged in a contest with the pope, was unable to withstand this new exhibition of force prompted by the reawakening of the spirit of liberty, and the cities gained over him a decided victory at Legnano, in 1176. A truce was first concluded, and, finally, the famous Peace of Constance was negotiated in 1183, which granted real independence to the Lombard Republics.

No permanent Diets existed, but the consuls and podestas of the various cities met in a Congress from time to time to deliberate on their needs. It would seem as though this federal union might have been preserved and have led to the establishment of a permanent national

union. But love of liberty and public spirit proved less strong than ancient animosities.

Of the Italian Republics, Milan was the head of the Lombard cities; Verona was chief of another cluster; Bologna took the lead in the province of Romagna, while Florence headed the Tuscan cities. Genoa and Venice were, in a measure, independent rivals.

During the eleventh and twelfth centuries there seems to have been little, if any, conflict between the nobility and the populace in these Republics. Naturally, on account of the deference usually accorded to rank and wealth, the Government was principally in the hands of the aristocracy. Early in the thirteenth century the contest between these classes commenced, and increased in bitterness, resulting frequently in civil war. In no country was more unrelenting hatred exhibited among factions than here. No mercy was shown to the vanquished; his house was confiscated or destroyed, his goods were wasted, and he was banished. Whether the contest were between Guelf and Ghibelline, the nobility and the people, or rival families, the result was the same. Some of the fiercest contests were simply the outgrowth of family quarrels. By the close of the thirteenth century nearly all Republican Government in Italian cities had been superseded by that which springs from one man's will, and by the close of the fourteenth century an absolute despotism existed throughout these famous Republics. During the fifteenth century the rule of the Medici gave Florence a better Government, perhaps, than she had enjoyed under a more popular rule. Still, there was nothing in it which justifies giving to it the name of Republic. With some intermissions, Bologna maintained a Republican Government till the close of the fourteenth century. At the close of the fourteenth century the emperor erected Milan into a duchy under the rule of

the Viconti. During the fifteenth century there were but five Governments of any force in Italy—Naples, Venice, the Apostolic See, Milan, and Florence—all the rest having been swallowed up in these, or, at least, lost the power of making themselves felt.

THE APOSTOLIC SEE.

The temporal dominions of the pope were a subject of growth. In the city of Rome the pope attempted to wield, from an early day, about the same authority as belonged to the emperor; but his right was in doubt, and not regulated by any positive law. Indeed, his claim was indefinite and never recognized as of binding force by the people, who always intended to be free. The ancient spirit of Roman freedom seemed to continue with the inhabitants of the city more fully than with those of other parts of Italy. Here the spirit, together with the forms, of Republican Rome, was preserved long after the dissolution of the Empire. There was less of obedience to any legitimate authority in Rome than in any other part of Italy.

In the middle of the eighth century the pope, in response to a proposition submitted to him by Pepin, having decided that he who possessed the authority should bear the title of king, and having made a journey in person to Paris and consecrated Pepin in the Church of St. Denis, and also made him and his sons patricians of Rome, received in payment therefor the assistance of Pepin in his contest with the Lombards. Pepin made an expedition to Italy, and took from the Lombards Ravenna, which he immediately made over to the pope, reserving, however, the sovereignty thereof to himself. By the rules of conquest this would seem to have given the pope a fair title

to Romagna, or the Exarchate of Ravenna. Some claim, of a shadowy kind, is made by the pope to this territory on the ground of supposed grants by Constantine, Charlemagne, and others. But this grant of Pepin seems to be the first substantial claim the pope had to that province. In 873, Charles the Bald renounced all right of the French kings to this country, and ceded the sovereignty of Rome to the pope.

About 1070 the Countess Matilda of Tuscany, who had married Godfrey, Duke of Lorraine, granted the reversion of all her possessions to the Holy See. This grant embraced the Duchy of Spoleto, and the March of Ancona, of which she might dispose, and other provinces which she had no right to grant.

At the death of the Emperor Henry VI, in 1197, the circumstances seemed favorable for the pope to assert a right to the territories which the Empire had never yet relinquished. Besides the fact that two persons were each claiming to have been elected emperor, Frederick II, hereditary King of Naples, was an infant. Innocent III now put forth his claim. Spoleto and Ancona submitted to his control. At the same time the imperial prefect in the city of Rome was compelled to swear allegiance to the pope.

In 1278 the Emperor Rudolf confirmed to the pope all grants that had been made by his predecessors. This forms one of the strongest claims of the pope to his sovereignties.

With some vicissitudes and an occasional loss of their Government for a time, these territories remained the temporal possessions of the pope until the time of the unification of Italy and the organization of the Kingdom of Italy in 1861.

NAPLES; OR, THE TWO SICILIES.

NORMAN RULE.

During the tenth century the southern part of Italy had principally passed under the control of the Greek Empire. The followers of the Norman Rollo, who had settled in France, and to whom Charles III had assigned the Province of Normandy, about this time commenced to make pilgrimages to the Holy Land. Passing through Italy, they attracted attention because of their great strength. Their services were frequently sought by many of the Greek princes then ruling in Italy to fight in their contests with the Saracens and other enemies. Not being well paid, they turned against their employers, and early in the eleventh century they commenced to make conquests for themselves. The territory thus conquered included Apulia, the sovereignty of which was acquired by Robert Guiscard about the middle of the eleventh century. His younger brother, Roger, undertook and accomplished the conquest of Sicily from the Saracens.

On the west coast of Italy there had existed the Republics of Naples, Gaeta, and Amalfi, which had preserved a limited connection with the court at Constantinople, and still acknowledged the sovereignty of the Greek Empire. These territories were conquered by Roger's son, who, with them, united the conquests of his father and also those of his uncle, and, in 1127, established the Kingdom of Naples, with nearly the same boundaries that it thereafter maintained. In 1130 the pope conferred on Roger the title of King of Sicily and Apulia, having already invested the Normans with the title to the territory as a fief of the Holy See. By what right the pope claimed the title giving him the authority to make such a grant does not clearly

appear. But these conquerors were glad to obtain any recognition that would strengthen their hold on the country. No matter in whose hands this country thereafter fell, until the establishment of the Kingdom of Italy it never ceased to pay feudal acknowledgment to the Holy See.

HOHENSTAUFFENS SUCCEEDED BY ANGEVINES.

In 1186, Henry (afterwards Emperor Henry VI) married Constance, the sole surviving heir of Roger, and thus transferred the kingdom to the German Emperors. On the death of Conrad IV, Manfred, an illegitimate son of Frederick II, succeeded him as King of Naples. At the instigation of the pope, Anjou, brother of St. Louis, King of France, undertook to wrest the Kingdom of Naples from the heretics, as the Ghibellines, or house of Swabia, were called by the pope. Manfred was slain on the field of battle, and Charles I succeeded to the throne in 1266. Then Conradin, minor son of Conrad, attempted to assert his right; but he fell into the hands of Charles, and was put to death in 1268. He was the last male heir of the house of Swabia. Manfred's daughter had married Peter III, King of Aragon, and as the sole surviving member of the house of Swabia, transferred the claim of that house to the Aragonese.

SICILIAN VESPER.

The Angevines ruled Sicily as a conquered province, and their rule was very distasteful. John of Procida attempted to stir the island to throw off the French yoke, and succeeded in awakening a great interest. Possibly as a part of the plan, but probably only as a coincident event, an attempt was made to murder all the French on the island.

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An outrage on a woman of Palermo in a procession on the vigil of Easter formed the provocation or excuse for starting the work, and the Sicilian Vespers of 1282 became historic. These efforts resulted in the overthrow of the French rule on the island, and the placing of Peter III, King of Aragon, on the throne.

RULE OF THE ARAGONESE AND ANGEVINES.

Peter bequeathed Sicily to James, his second son. His oldest son, Alfonso, who succeeded him as King of Aragon, would not fight for the interest of his brother in the contest which ensued, and in 1295 he concluded a peace by which he agreed to withdraw the Aragonese forces from the island. He soon died, and was succeeded on the throne of Aragon by his brother James, who then also surrendered his claim to Sicily. But the Sicilians would not consent to be turned back to France, and so they conferred the crown on Frederick, another brother of James. In 1300 peace was concluded, by the provisions of which it was stipulated that Frederick should rule while he lived, and, at his death, the crown should revert to the house of Anjou; but this was not to be the order of events.

Charles Martel, oldest son of Charles II, by marriage inherited the crown of Hungary, but was not recognized by the Hungarian Diet. In the contest for the Hungarian crown, Otho of Bavaria was generally recognized till 1308, when he was succeeded by Carobert, or Charles Robert, son of Charles Martel. On the death of Charles II, in 1309, he should, according to the strict rules of descent, have been succeeded on the throne of Naples by his grandson, Charles Robert, King of Hungary. But his right was contested by his uncle Robert, second son of Charles II, and the pope decided in his favor, and thus gave him the

crown. On the death of Robert without living male issue, the crown passed to his granddaughter, Joanna, who, when a child, had been espoused to her cousin Andrew, son of Charles Robert of Hungary. Charles III, of Durazzo, succeeded Joanna, and was succeeded in turn by his infant son, Ladislaus, and he by his older sister, Joanna II. Following this reign there was a continued contest between the two branches of the Angevine houses, as there had been for some time previous. I need not mention the princes of Anjou who contested for the throne of Naples. The Angevines continued to rule in Naples till its union with Sicily in 1442.

Various members of the house of Aragon succeeded Frederick on the throne of Sicily, some of them being the Kings of Aragon as well as of Sicily, while others were younger members of the royal house, or illegitimate children. Finally, in the first half of the fifteenth century, Alfonso V, King of Aragon, also became King of Sicily, and in 1442 he succeeded in driving the Angevines from Naples, and united the two crowns, and took the title of King of the Two Sicilies. The rule of both countries, either united or as separate kingdoms, remained with the house of Aragon till the union of Aragon and Castile, when the King of Spain became the King of the Two Sicilies. The Spanish Kings ruled the country through viceroys for about two hundred years.

By the terms of the Treaty of Utrecht, in 1713, concluding the War of the Spanish Succession, Naples was given to the house of Austria, while Sicily was assigned to the house of Savoy. In 1720, Charles VI, Emperor of Germany, traded Sardinia to the King of Savoy for Sicily, by means of which Naples and Sicily were again united under one rule.

In 1735 the Two Sicilies were conquered by Don Car-

los, who represented the house of Bourbon, and thereafter became Charles III of Spain. With the exception of the time when the country was under the control of the French during Napoleon's ascendancy, the Two Sicilies remained under the rule of the Spanish Bourbons till they were incorporated into the Kingdom of Italy, in 1860. To summarize: The Norman rule extended from the establishment of the kingdom in 1130 till 1189; the Hohenstauffens from 1190 to 1266, exclusive of the two following years, when Conradin was trying to regain the crown; under the first of the Angevines Sicily was lost to the crown in 1282, and their rule extended over Naples from 1266 till the death of Joanna in 1435, and for seven years longer her adopted heir contested for the throne; during all of the time from 1282 Sicily was governed from Spain, and from their union in 1442 both Naples and Sicily were governed by some of the Spanish princes or kings, till the opening of the eighteenth century; Austria, with Savoy a few years over Sicily, was the controlling power from 1713 till 1735, when they again passed to Spain, where they remained, except during Napoleon's supremacy, till 1860, when they became a part of the Kingdom of Italy.

THE GOVERNMENT.

For nearly a century before the establishment of the kingdom in 1130, the Normans had been the controlling power in Southern Italy. They brought with them, and established in all its vigor, the feudal system, which was maintained till the opening years of the nineteenth century. Feudalism tried in vain to gain and hold supremacy over royal authority. During all their history the Two Sicilies were under the rule of an absolute monarchy. While, from the very first, there were Parliamentary Assemblies,

they never had sufficient force to control the crown, nor even to render efficient opposition to its despotic rule. Before he obtained kingly recognition, Roger held an Assembly of barons at Maefi, and, in 1140, ten years after he was crowned king, he held a Parliament at Ariano. It is not determinable just when the towns acquired representation; but somewhat early in its history the Parliament was composed of clergy, barons, feudatories, and delegates from towns. Until the separation of Sicily from Naples in 1282 there was but one Parliament for both; it met in various towns, sometimes in Sicily and sometimes in Naples. But after their separation each kingdom had its own Parliament, even when they were united. The Parliament of Sicily was much better organized and much more regular in its meetings than that of Naples; the latter had no meeting from 1642 till the French occupation in 1808, but the former held its meetings somewhat regularly during most of its history. During the interruption of Parliamentary sittings in Naples, the only body exercising legislative functions was the *sedili*, and, aside from the duty of regulating police matters, it had little authority other than to approve grants to the crown and to levy taxes. It was made up of the nobles, and sometimes of the principal citizens of the towns, who, by delegates, met in several different cities of the kingdom. The Parliament of Sicily did something, though comparatively little, in the matter of general legislation; but in approving grants to the crown it had the right to attach any conditions it chose.

Upon the establishment of Norman authority they at once introduced courts of justice, improved the coinage, forbid any protection of robbers, defined the rights of the barons and the rate of taxation. The Hohenstauffens, on succeeding to the kingdom, found a well-organized government, which they still further improved; they caused

the barons' castles to be destroyed, protected the crown-lands, and provided for the safety of the subject.

Important Constitutional changes in the affairs of Naples were brought about under the Angevine rule. Charles I had his prejudices against a system instituted by his predecessors; he had his followers to reward, and provision for the expenses of his Government had to be made. Many towns and cities which theretofore had been free and dependent on the crown alone, were now given in fief. The power of the nobles was greatly increased. The sittings of the Parliament, which had been migratory, were fixed at Naples, and its work was more under royal control. On the Spanish obtaining control, the people attempted to regain some of their ancient privileges, and new complications arose. In 1495 a compact was entered into between the nobles and the people whereby the rights of the latter were better secured. But in a country held, as Naples was, solely for the benefit of Spain, and governed by irresponsible and arbitrary viceroys, there could be little security either to the nobles or the people; each was arrayed against the other as the demands of the crown might require.

Under Spanish and French rule alike, the King's Council, as well as all the judges and other officers, held at the pleasure of the king, and therefore there could be no hope of an independent administration of justice. More than half the land was held by the clergy and nobility, and in most of the history of the rule of the barons, the feudal exactions were oppressive, more so in Sicily perhaps than on the Continent.

Notwithstanding their short rule, the occupation of Naples by the French in the time of Napoleon was of inestimable and lasting good. Both Joseph and Murat gave to the country Constitutions providing for a free press, a

Parliament consisting of two Houses, and other reforms in Government, but neither ever went into practical effect. However, the French Government was infinitely more liberal and enlightened than had been that of the Bourbons. Great administrative and judicial reforms were introduced, and the matter of finances was wonderfully improved. But, above all, the French rule brought about the entire abolition of the feudal system with all its burdens and exactions, and on their restoration to power the Bourbons were unable to restore it. During the time of the French rule in Naples, the Bourbons held Sicily only by aid of the British; and under their influence Ferdinand granted a most liberal Constitution in 1812, modeled after that of England, providing for a Parliament of two Houses, lords and representatives of the people, and a responsible ministry. The feudal system was entirely abolished, and never again put in operation. The Sicilians were so unprepared for this kind of Government that their Parliament proved to be only a mob, and after a few years' trial was abandoned.

In 1819 a new body of laws was adopted for both kingdoms, in which great improvements were introduced into the various departments of Government. As a result of the Revolution of 1820 the Constitution of 1812 was re-adopted for both kingdoms; but under the authority and direction of the Holy Alliance, and by the aid of Austrian troops, it was soon abrogated, and Bourbon misrule continued till it was superseded by the Government of Victor Emmanuel.

SARDINIA—SAVOY.

Savoy was a part of the Kingdom of Burgundy, or Arles, which became extinct in the first half of the eleventh century, and in 1032 Savoy was incorporated into the

German Empire. In 1111, Amadeus III was appointed the first Count of Savoy. Prior to that time it had been ruled by governors appointed by the king or emperor. In 1416 it was raised to the rank of duchy. Humbert, who died about the middle of the eleventh century, stepson of Rudolf III, the last King of Arles, is considered the founder of the house of Savoy, although the province had at least one governor before him. From the establishment of the countship it grew by means of inheritance, gifts, purchase, and otherwise, so that, in a comparatively short time, large additions of territory, including Piedmont, were added to the country. Occasionally, during the many wars and conflicts that ensued, some of this territory was temporarily detached, but in the end it came back to Savoy. In 1713, by the Treaty of Utrecht, Milan and Sicily were given to Savoy, and, in 1720, Duke Victor Amadeus II transferred the latter to the Emperor Charles VI, and received in exchange therefor the island of Sardinia, and thereupon, with the consent of the Powers, assumed the title of King of Sardinia. Thus seven hundred years after its founding the house of Savoy was acknowledged one of the royal families, while a comparatively insignificant island gave the name to the kingdom into which Savoy, with all its attached territories, was incorporated. The original Province of Savoy was, in 1860, transferred to the Kingdom of France.

The mixed races on the island of Sardinia, after the fall of the Roman Empire, passed successively under the rule of the Vandals, the Greek Empire, and the Saracens. Finally, in the first half of the eleventh century, the island was conquered by the Genoese and Pisans. Both cities contended for its mastery till 1175, when Frederick Barbarossa divided it between them. In 1296 the pope bestowed the crown on James II, of Aragon, who held it

as a fief of the Holy See. The island remained under the control of Spain till the Peace of Utrecht, in 1713, when it was ceded to the Emperor Charles VI, of Germany, who held it till 1720, and then exchanged it with the Duke of Savoy for the island of Sicily. Thereupon the Kingdom of Sardinia was organized, embracing the island together with all the belongings of the house of Savoy.

From 1798 to 1814 most, or all, of Savoy and its dependencies were under the control of France, and the rule of the Sardinian kings was mainly confined to the island; but on the overthrow of Napoleon, the entire territory was restored to the rule of King Victor Emmanuel I, who had succeeded to the crown in 1802. During the French occupancy of the territory the people had imbibed many of the revolutionary sentiments of their conquerors; and when Victor Emmanuel I again established an absolute monarchy, the rule was by no means satisfactory to the people. Some insurrectionary movements, and attempts to obtain a more liberal Government were made during the next few years, but were promptly suppressed by the Austrian and Russian forces. The Revolutionary movement of 1848 resulted in the granting of a liberal Constitution, which, upon the incorporation of the Kingdom of Sardinia into united Italy in 1860-1861, formed the basis of the Constitution which was granted to the Kingdom of Italy.

THE PERIOD OF FOREIGN GREED.

Early in the sixteenth century, Austrian and French armies desolated Italy; but French ambition sustained a crushing defeat at Pavia, in 1525. From this time the conquerors gave Italy about one hundred and fifty years of comparative peace, during which time, by national treaties and family compacts, numerous changes were

brought about in the various Italian States; but these changes have no material bearing on their Constitutional history. By the middle of the eighteenth century much of Northern Italy had passed under the control of Austria and Spain, while the house of Savoy had greatly strengthened its holdings. So far as the purposes of this history are concerned, it is not necessary even to mention the numerous changes that took place in Italy during the time of the French Revolution and the reign of Napoleon. Combination and separation of States, changes in form of Government as well as in the person of those who were appointed to administer it, were as frequent as the dictator's interests seemed to him to require.

At the Congress of Vienna, in 1815, at the close of Napoleon's European dictatorship, much of Northern Italy was given to Austria, Naples was restored to the Bourbons, the pope was left in possession of his temporalities, while Central Italy was parceled out into duchies and other political subdivisions, and distributed among an army of royal dependents.

The quarter-of-a-century contest that had taken place between France and the rest of Europe had produced changes in Italy that had inspired the people with larger hopes of nationality and Constitutional liberty. By action of the Congress of Vienna, it was intended that these hopes should all be blighted. An intense feeling of hatred against existing Governments was aroused, and during the next quarter of a century numerous outbreaks occurred, and revolutions were attempted; but everywhere the strong hand of despotic Austria was felt, and every movement was crushed. But the impulses of the people were much stronger than the rods of tyranny, and, under providential guidance, out of the fires of conflict was to emerge a united Italy.

THE KINGDOM OF ITALY.

Notwithstanding the suppression of the revolts that had theretofore been attempted, it was impossible that the Italians should have been quiet amid the general charge made against the forces of tyranny in 1848. In the conflict of interests, and amid the diversity of opinions that must necessarily arise under such circumstances, contests of various factions for leadership would naturally take place. But finally it was generally conceded by the patriots that Italian unity must be sought through the leadership of the Kingdom of Sardinia under the rule of the house of Savoy.

A series of uprisings throughout Italy continued from 1848 till the final establishment of the kingdom under Victor Emmanuel. The war between Austria and France in 1859, Sardinia co-operating with the latter, was the final proof that Italian redemption from foreign rule was fast approaching. The Peace of Zurich, concluded November 10, 1859, proved to be no settlement that was to stand, for the real interests of the people were still undetermined. Under the guidance of the great Cavour and the lead of the intrepid Garibaldi, the forces for unification proceeded rapidly forward. The Italian Kingdom was proclaimed by Garibaldi in Sicily in the latter part of 1860. The first Italian Parliament assembled at Turin, February 18, 1861, and on the 26th of the same month proclaimed Victor Emmanuel II King of Italy. In May, 1865, the capital was transferred to Florence. By the peace concluding the war of 1866 between Prussia and Austria, Venetia, the last Italian State held by a foreign Government, was, by Austria, transferred to Italy. In 1870 the Italian army entered Rome, and in 1871 King Victor Emmanuel took up his residence in the Quirinal.

The Constitution of Italy is based on the fundamental statutes of the Kingdom of Sardinia, passed in 1848. Many changes have been made, especially providing for separation of Church and State. The Government is a limited monarchy, hereditary in the house of Savoy, having a responsible ministry, and separate legislative and judicial departments of Government. The king forms a constituent part of the Legislature, which consists of a Senate, composed of all princes, High Church and State officials, and an indefinite number of life members appointed by the king; and a Chamber of Deputies, elected by the people. Suffrage is based on certain educational or property qualifications. Justice is administered by pretorships, civil and criminal (or correctional) tribunals, Courts of Appeal, and Courts of Cassation.

The law of 1865 forms the basis for Provincial and Communal Constitutions. There are pretors and other officers designated by the king, and Provincial and Communal Councils elected by the people, to whom the administration of local government is confided.

SPAIN.

EARLY HISTORY.

THE occupancy of this country by the Celts and Iberians, and those formed by a mixture of these two races, the Celtiberians, dates as far back as we have any definite history of this country. The Greeks formed colonies here, and called the country Iberia, from the river Iberus (Ebro). Carthaginian settlements followed the first Punic war, and these new settlers sought to drive out the Greeks who had preceded them. When the Romans came in contact with the country, they changed its name to Hispania, from which the present name is derived. Near the close of the third century B. C., the Romans drove out the Carthaginians, and commenced the conquest of the country, which was scarcely more than completed at the opening of the Christian era. The conquerors made the country more thoroughly Roman than almost any other province of the Empire. The country was almost entirely Christianized before the close of the reign of Constantine.

BARBARIAN INVADERS.

The barbarians from the North, who were the first to break into this part of the Roman Empire, were the Suevi, who settled in the northwestern portion of the peninsula; the Alani, who occupied Lusitania; and the Vandals, who

went south and left their name, Vandalusia (Andalusia) as their part of the monument to the country's greatness. These invasions took place in 409, and were succeeded by that of the Visigoths, who had settled in Southern Gaul in 412, and who, two or three years thereafter, crossed the Pyrenees and commenced the conquest of the peninsula. What was left of the Alani after their encounter with the Visigoths, in 418, merged in the tribe of Vandals, and the latter were finally, in 429, driven into Africa. It was not till 585 that the kingdom of the Suevi was conquered, at the completion of which the whole peninsula was under the dominion of the Visigoths. However, the Roman rule in Hispania had ceased about 470.

RULE OF THE VISIGOTHS.

Before coming into Spain the Visigoths had embraced the Arian heresy; but in the latter part of the sixth century they became orthodox Catholics, and thus made more easy an amalgamation of themselves with the natives and the Latins who remained in the country. In the formation of the new language and nationality, notwithstanding they were the conquered race, the Latins furnished the controlling element.

COUNCILS OF TOLEDO.

The contrast between Spain and other European countries is apparent from the very moment when Roman supremacy gave place to barbarian dominance. The first invaders produced little effect, but the Goths planted principles which have been perpetuated to our own time. The migrating Goths, especially those who settled in Spain, retained fewer of their ancient laws and customs than any other German tribe. The great difference between the

Visigoths and other Teutonic tribes who established Governments on the ruins of Rome was, that in place of the National Assemblies of other nations the Visigoths established Councils mostly made up of ecclesiastics. These Councils were called by the king as often as he deemed best, and were held at Toledo. The second of these Councils was convoked in 587. While these Councils were in the main composed of the ecclesiastical hierarchy, a number of influential laymen also attended. The clergy were always in a sufficient majority to dominate the work of the Council. Its work was mostly of an ecclesiastical nature; it was called by the king at his pleasure, and was so conducted that it could hardly be called an independent political assembly. It was seldom found adhering to opinions antagonistic to royalty. It by no means filled the place of the old Germanic Assemblies. It modified and enlightened despotism without limiting its power.

Early in the sixth century the Visigoths, who had been the reigning power in Southern Gaul for more than a century, and who had made frequent incursions into and had conquered a large portion of the peninsula, transferred the seat of their Empire from Gaul to Spain, where they remained supreme till the Mohammedan conquest at the opening of the eighth century.

ROYALTY AND ECCLESIASTICISM.

Prior to their entry into Spain the Goths appear to have adopted the principle of inheritance in the monarchy, but this was changed after their removal. The third Council of Toledo, which was held in 634, declared the crown elective in the nobles and bishops; and thereafter, in theory, the election of the king rested with the Council of Toledo. But the crown was always, to a great extent, the subject

of physical contest, and went to the one whose mastery of arms gave him the advantage as much as by right of election. In fact, the election by the Council was little more than the public recognition of what had been already attained.

In no country was there a closer union between the royal and ecclesiastical power than in Spain. Each had need of the other, and each came to the other's support.

Three governmental elements were developed by Germanic tribes who settled on conquered territory, viz.: institutions of liberty; institutions of governmental patronage, notably the feudal system; and institutions monarchical. When contemporaneously developed and applied in government, these three elements form co-ordinate guarantees against the abuse of either. Only the last of these was developed by the Visigoths in Spain. Here the only guarantee offered for the good conduct of those with whom power was lodged was the surveillance of superior depositories invested with the same functions, while in other countries the other two elements, in connection with the one here so fully developed, offered collateral and independent powers, which naturally limited and controlled each other, and gave the country independent guarantees of good government.

VISIGOTHIC CODES.

While the Visigoths were settled in Gaul, in the last half of the fifth century, their king, Euric, had caused their laws and customs to be written in a book, and Alaric, who followed Euric, had done the same for his Roman subjects; that is, he had caused the Roman laws to be revised and adapted to the Gothic Government, and then published for the benefit of the Romans residing in his dominions. The

preparation of these two codes tended to unite the Goths and Romans, and to prepare them fully to consolidate under one Government. This union is one of the principal elements which determined the development of Spanish character.

THE FORUM JUDICIUM.

At the sixteenth Council of Toledo, held near the close of the seventh century, a collection was made of all the laws of the kingdom, called the *Forum Judicium*. It is the only barbaric code which remained in force till modern times. Between the first collection of Gothic laws under Euric and the formation of the *Forum Judicium* there had been several revisions, compilations, and assimilations; and this last was a selection of that which was best suited to their Government, taken from them all—from those made by the king, by the Council, those taken from the various codes, and from the Roman law. This was the most important piece of legislation enacted by the Council of Toledo.

The influence of Roman civilization on the German mind, with which it had come in contact more fully in Spain than in most of the provinces settled by the barbarians, including the influence of the Christian Church as it had developed as a part of Roman civilization prior to this time, is apparent in the *Forum Judicium*, and has had an influence on certain phases of Spanish life and character as they have appeared in modern times. In most countries the barbarians make laws for themselves, the conquerors only; the conquered were left to the mercy of their conquerors, and were without protection. But the *Forum Judicium* was a national code, and applied to the vanquished as well as to the ruling class. Another feature distinguishing this code from most others is the theory

on which it was prepared. Most laws are but declaratory of what men shall or shall not do, and do not pretend to be framed with a view of establishing a principle. But this code, as a preface, lays down the principle that law originates in heaven, and that human enactments should seek to express the Divine will. This shows it to be the work, not of a barbarian assembly, but of the bishops with whom philosophy had made some advancement. It was the only system of law then known which could, in any respect, be said to aim at universality, to the government of all men. Other States made laws for individuals or for classes, but this code was made for all under its jurisdiction.

The principle in this code declaring that all rightful power came from God, naturally led to the doctrine of the Divine right of kings or other rulers. Power, according to this theory, was not the gift of the people to their rulers, but the exercise of a right received by the rulers direct from God. But this theory, which in itself was good, was rendered practically worthless as an element in the development of civil freedom because no safeguards were provided to secure to the governed the application of the true principle of government thus announced. In that country, as in nearly every other one, liberal views and correct principles of government have, in practice, constantly failed in the realization of what was anticipated, because of failure to establish independent and co-ordinate powers which form checks upon each other, and thus prevent the accumulation of power in hands responsible to no one.

From this theory of the Visigothic code naturally sprang the predominance of ecclesiastical power in the State. Everything goes to show that, in the Visigothic kingdom, the bishops were the controlling force in the Government. But at the same time, by the terms of this code more than by that of any other barbarian law, the

clergy were made amenable to its provisions. By the legislation of the bishops the king was made elective in the Council, in which they were the controlling power; but this may have been more as a safeguard against violent usurpation than to prevent hereditary succession. The choice of the Council frequently amounted to no more than a sanction of usurpation which could not be prevented, and thus, by giving it the appearance of a regularly-constituted choice, tended to prevent a return to violence.

This code was based on philosophic principles of right, truth, reason, and justice. It did not, like other barbarian codes, establish a tariff of values to be paid by criminals, but measured out punishment on the basis of moral principles. While, in other codes, provision is made for punishment to be inflicted in proportion to the amount of injury done, consisting of payment of a sum of money, the Visigoths sought to ascertain the intent; and the distinction between classes of citizens and rank in society, as a basis for determining the amount of punishment to be meted, is abandoned in this code. Even the slave is protected from the revengeful hand of the master. It is greatly to the credit of the bishops that, against the spirit of the age and contrary to the practices of other nations of that time, they succeeded in enacting a law which looked upon every being as a child of God, whose right might not be disregarded, even by the most powerful.

CONTRAST BETWEEN VISIGOTHS AND OTHER GERMAN TRIBES.

The difference between the Visigoths and other Germanic tribes is also shown in the constitution of their law-making body. The old Germanic theory was an assembly of the tribe, in which the policy of the ruler was deter-

mined. Probably these assemblies were less powerful in their influence on Government than we often suppose; and, as a guarantee of liberty, they were by no means efficient. But the very fact of their existence proves that arbitrary power, though too often practiced as a fact, did not exist as a right. It is essential to distinguish between the existence of a fact and the acknowledgment of a right. In the Anglo-Saxon Witena-gemote, the Frank Champ-de-Mars and Champ-de-Mai, the individual struggle for liberty was a constant protest against the continually increasing claims of the king for absolute power. In those assemblies the Germanic warrior came to insist on the power of the sword to protect personal freedom. But the Council of Toledo was no such gathering. It was no national assembly of the people, but simply a Council of ecclesiastics into which a few of the leading laymen were admitted. Being composed principally of the clergy, they could not, in the nature of things, exert the influence in Government that was effected by the other Germanic assemblies. They were without physical power, and the history of all Governments shows that, in their attempt to wield political power, the clergy have ever been a failure. They are then attempting functions not properly belonging to them, and with which they had never become conversant. In order to gain the power and force necessary to make political action effective, they would have to abandon the position that gave them character and moral support. Being without power, they were unable to offer any solid barrier to the encroachments of despotism. Thus the Council of Toledo allied itself to royalty, but was not able, as an independent political factor, to oppose royal encroachments on popular rights. It was without the authority of the Germanic assemblies of surrounding barbaric nations to interpose any effective power in favor of the people.

The bishops of Spain had given that nation a better code of laws, they had established a more humane principle in the administration of justice, their laws offered greater protection to the weak, there was less violence in society, than we find in neighboring nations; but we shall there seek in vain for any great institutions of liberty, or for any safeguards against the exercise of arbitrary power. In other barbaric States, amid the constant disorders, the change of power from a body of independent chiefs to its centralization in one head, no absolute power, either in an aristocracy or a despot, was acknowledged or sanctioned; sometimes it existed as a fact, but it was never acknowledged as a right. And the persons who were there to oppose its assumption brought with them that physical force which made their demands respected.

From the local institutions of Spain, as they have been made known to us by the researches of modern historians into ancient archives, some have thought that they there discovered elements of the old Germanic life that are not discernible in the written laws and customs of the Visigothic Kingdom. But it may be doubted, after all, whether such elements are not of a later introduction, rather than the preservation through all its history of ideas brought by the Visigoths from their original home and transplanted into Spanish soil. And we are warranted in concluding that the spirit of Germanic liberty lost most of its force in its conflict with Roman ideas as the two contested in the early Constitutional development of Spain.

THE MOORISH CONQUEST.

The Visigothic Kingdom continued to flourish, and to develop the principles of government which they had planted on taking possession of the territory, until the

opening of the eighth century. The contentions incident to an elective monarchy, which show themselves wherever that principle is in vogue, were not absent from the Visigothic rule. A candidate who had been unsuccessful in his efforts to obtain the throne invited to his aid the Arab Mohammedans from Mauritania, who had recently conquered all of Northern Africa. This invitation was scarcely necessary to a people bent on conquest and plunder, and, in 711, the Moors made their appearance in Spain, where they were to remain till the united forces of Ferdinand and Isabella should finally destroy their power in the same year that Columbus should unfurl the Catholic banner in the New World. The entire expulsion of this people from the country they had helped to make famous, in the first part of the seventeenth century, was a crowning evidence of imbecility in the Government of Philip III. In a very few years the Arabs had conquered all of Spain except a few mountainous districts in the North, into which the Goths retreated, and where they preserved their spirit and traditions, and also the rudiments of their old Government. This district came to be known as the Kingdom of Ovedo.

The occupation of Spain by the Moors was not without its permanent influence on her history, and yet not to the extent it would have been except for the irreconcilable antagonism that existed between their religion, and also between their principles of government, and those religious principles and views of government belonging to the people whom they supplanted, which rendered anything like a union of the two races practically impossible. Some of the Goths continued to dwell in various parts of the territory occupied by the Moors, where they were permitted to maintain and practice their religion; but they possessed no political power and exercised no influence in Government. As the country was gradually reconquered

by the Goths many of the Moors retained their homes among the conquerors, but were as powerless in influencing the Gothic Government as the conquered Goths had been in making any impression on the Moors. Still it remains true that two alien people can hardly dwell together as these two people did without imbibing something of each other, and undoubtedly something of the Moorish theory of government, and some of their elements of civilization permeated the Spanish character and entered permanently into the Spanish Constitution.

Until the twelfth century the commingling of Saracens and Christians on territory under the control of one or the other of the hostile nations was attended with little trouble in the way of persecution. But when the Moors found themselves losing most of their dominions they became exasperated, and inaugurated a system of persecution which drove the Christians from the territory where they were in control. This naturally led the Christians to follow their example, and, as a consequence, members of each race who had been living in harmony underwent severe persecutions, or else sacrificed their holdings and retired into the territory where their own faith was in the ascendant, leaving their place to be filled by a people of a different religion.

I shall not attempt to speak of Spanish history under the Moors, of the establishment of the Western Califate of the Omniades at Cordova in the middle of the eighth century by the only member of that line who escaped the assassin's knife in the hands of the Abbassides who supplanted them in the East; of the development of science, literature, and art under the patronage of these califs; of the establishment of schools which drew students from nearly every country in Europe; of the administration of Government which tolerated antagonistic religions, but

unrelentingly suppressed all political revolts. Such a discussion would be interesting, but could not greatly help us in our attempt at tracing the growth of the Spanish Constitution.

RENEWAL OF GOTHIC DOMINION.

The Goths who retired before the invading Moors, on finding a shelter from the fierce bands of the conquerors among the valleys and passes of the Pyrenees, elected one of their princes, Pelago, or Pelagius, king, and at once put themselves in position to resist any further aggressions by the Moors. For some time the territory under the control of the Goths was limited to the provinces of Ovedo, but in the course of a few reigns they had reconquered Galicia, with parts of Leon and Castile, and their kingdom was then known as Asturias.

The Arab invasion had broken up the Council of Toledo, crushed the predominance of the clergy, and enabled the Goths in their mountain home to regain many of their ancient German customs. There they largely abandoned the Roman maxims, institutions, and ideas, received through the clergy during their settlement in Spain, and, in their changed surroundings, were reinvested with something of the vigor they had once known in the German forests, and were again prepared to go forth for the conquest of Spain. They brought back into activity many of the political and judicial customs and usages in which free institutions are founded, and which alone give vitality to overcome great misfortunes. From this time the Spanish Visigoths pursued a course more analogous to other Germanic nations than had been done by the original Visigothic conquerors.

During the ninth and tenth centuries a number of independent kingdoms arose among the Gothic populations of the North, of which Navarre was one of the most powerful during quite a long period.

About the opening of the tenth century, Leon was erected into a separate kingdom, and early in the last half of the same century Castile, which, two hundred years before, had been a frontier outpost whose castles of defense gave it its name, and which, a little later, was a semi-independent republic, or county, more or less subject to Leon, but governed by counts elected by the provincial aristocracy, became an independent kingdom. The union of Leon with this kingdom in the first half of the eleventh century made Castile the leading Spanish State.

The origin of the provincial Governments out of which was subsequently formed the Kingdom of Aragon is somewhat obscure. Sobrarbe, inhabited by an aboriginal people dwelling on both sides of the Pyrenees, who had never adopted the Roman language, seems to have maintained its independence both of the Franks and the Goths; it had Jaca for its capital. Probably this little State may be taken as the nucleus around which grew up the more pretentious Kingdom of Aragon. Navarre, with its capital Pamplona, was at this time sufficiently powerful to exercise some authority over much of this Northern territory. About the same time that the union of Leon and Castile had developed that powerful State in the West, Aragon became independent of Navarre, and soon thereafter being strengthened by the union of Catalonia, became a rival with Castile for leadership. These two kingdoms are henceforth to be the controlling forces in the development of Spanish history until their union made possible the greater Spain of the seventeenth century.

Until the eleventh century the new Gothic States had spent much of their strength in warring against each other, and had been able to do comparatively little towards overcoming the power of the Moors. But now they were, to a great extent, at peace with each other, and their united efforts soon told against their common enemy. Before the close of the eleventh century, Alfonso VI, of Castile, had recovered the ancient capital, Toledo, and, in 1118, Alfonso I, of Aragon, captured Saragossa and made it his capital. By the middle of the thirteenth century the possessions of the Moors were principally confined to Granada.

CASTILE.

Neither the feudal system nor villanage was ever introduced into Castile; but the conquest of the country from the Moors necessitated the intrusting of its settlement and defense to those having sufficient power to take the place of the Saracens who were driven out. In this way a Castilian nobility of influence and power sprang up very much as in other countries where the feudal system was in operation. In this contest with the Moors all Christians took part, and at the same time maintained their own freedom and independence; consequently, even the lowest Christian was recognized as a freeman.

The old Ecclesiastical Council, which flourished under the Visigoth rule, continued to be the Council of the Christian monarchy till about the middle of the twelfth century, when a modification took place resulting in the formation of the Court or Cortes. At first composed alone of nobles and clergy, in 1169 the Third Estate was allowed representation by the admission of deputies from certain towns. The matter of convoking the Cortes, including the determination as to who should be summoned and the towns

that should send representatives, lay wholly with the king. From 1188 deputies from the towns were recognized as a necessary part of every Cortes. The number of towns sending delegates, and the number sent by each town, varied greatly. In 1315, ninety towns were represented by one hundred and ninety-two deputies. But in 1480, only seventeen towns had retained their right to send delegates. While the nobility were considered essential members of the Cortes, they attended in smaller numbers than we should expect. Neither the landed gentry nor the inferior nobility were considered as having a right to be summoned. The nobles who attended were generally of a fierce and lawless disposition, and looked more to arms than to Constitutional guarantees for the protection of their rights. If there had been a closer union between the representatives of the towns and the landed aristocracy, the Cortes might have been a greater force against monarchical aggressions on the rights of the people.

It was a fundamental principle of the Castilian Constitution that taxes could be levied only with the consent of the Cortes. From the middle of the thirteenth century down to the time of Ferdinand and Isabella, there were almost constant contests between the king and the Cortes over these matters. The Cortes remained firm, and law after law was enacted to enforce the right of the subject against arbitrary exactions. That the king could neither levy taxes nor legislate, except with the approval of the Cortes, was conceded Constitutional principle down to the time of Philip I, when it began to be disregarded, continued to be more and more overlooked by Charles I and Philip II, and soon thereafter all Constitutional privileges were annulled. The last protest on the part of the Cortes against arbitrary exactions on the part of the king seems to have been about 1619.

Three military orders similar to that of the Knights Templars were formed, the first in 1158, the Grand Masters of which were equal to the highest nobility. After the death of Isabella, the power of Ferdinand over Castile was so increased that he was enabled to take possession of the headship of all the orders and permanently unite them to the Spanish crown. In the eleventh century the principle of hereditary succession to the crown began to prevail over the rule of election which had been practiced theretofore; but the custom of recognizing the succession in an Assembly of the Cortes continued to be observed for centuries. In case of the minority or incapacity of the king, the Cortes named the regents and prescribed their powers. During the interval between the meetings of the Cortes the king was expected to act by the advice of a Council provided for him, and many acts could be legally done only on the advice of the Council.

The original Castilian courts, both for civil and criminal cases, were the *alcaldes*, or municipal judges, elected by the people of the various towns. Sometimes the king appointed *corregidores*, officers co-ordinate in authority with the *alcaldes*; but this was to be done only on request of the municipality. From these tribunals an appeal lay to the governor of the province, and from the governor to the royal *alcaldes*. In 1371, civil jurisdiction in appeal was transferred to the Court of King's Audience.

ARAGON.

The Kingdom of Aragon was inferior to Castile in territorial extent and fertility of soil, but it was favored by a better form of government and an abler line of kings. Differing from Castile in this respect, the feudal system was fully established in Aragon, and after the conquest of

Saragossa, in 1118, and the acquiring from the Moors a large extent of territory, it was partitioned among the higher nobility on feudal principles.

The early Kings of Aragon had been chosen by a Council or the Cortes, usually, however, from one family. But in the twelfth century the succession was made hereditary, limited, however, by compact. Before a party was allowed to assume the title or perform the functions of king, he was required to take the coronation oath to observe the laws and liberties of the realm. At this time, probably no nation in Europe had a better Government for the administration of law and justice than did Aragon.

As in Castile, so in Aragon, the only assembly or representative meeting of any kind to give advice to the king, or to take any part in Government, was a Council of the nobility, perhaps in many respects corresponding to the old Council of Toledo, but being less ecclesiastical in its make-up. The date when this Council was supplanted by the Cortes has not been preserved, but it was probably early in the twelfth century. The Aragonese Cortes is believed to have been the first really representative body organized in Europe. This body was composed of four estates or orders—prelates, higher nobles, equestrian or lesser nobles, and deputies from towns. This Cortes was never a large body; but a limited number of either order was summoned, and only a small number of towns sent delegates. Notwithstanding the small number composing it, the Cortes was an independent and spirited body, jealous of maintaining its ancient rights and privileges. The enactment and repeal of laws, as well as the levy of taxes, lay wholly with the Cortes, which met once in two years. A commission, selected from all four orders, sat during the interval between meetings to protect the rights of the people and to give advice to the king.

In Valencia and Catalonia, which had some connection with Aragon, there was no division into greater and lesser nobility; hence, in these divisions, each of which had its own Cortes, the Cortes consisted of but three orders.

In Aragon the Cortes maintained its authority longer than did that of either Valencia or Catalonia, or even Castile; but in 1713 it was convoked for the last time as an independent legislative body. After that there were meetings of the Cortes in the several provinces, but they were only to ratify some royal act which the monarch feared might meet with resistance if put forth unaccompanied by any show of public approval.

In 1283 the Aragonese forced from Peter III the Great Privilege, a charter of civil liberty scarcely inferior in its scope to Magna Charta. It provided against secret legal proceedings, arbitrary taxation, and unjust treatment of the subject.

Next to the king in rank and authority stood the justiciary. The office seems to have been created soon after the capture of Saragossa, in 1118, but the extensive power and pre-eminence of this officer dates from the fourteenth century. He was the executive officer of the Council of nobles to collect their suffrages and enforce their decrees. When that body was superseded by the Cortes, much of the authority it had exercised passed to the justiciary.

CHARTERED TOWNS.

Chartered communities were established in Spain earlier than in France or England. The great object in giving and accepting these charters—to the sovereign and to the municipality—was protection. Instead of purchasing their rights, as in many countries, the towns of Spain were invested with civil rights and extensive property privileges

on condition of protecting the country. This assistance was especially needed on account of the conflict which the Christians were carrying on with the Saracens. The earliest instance of the acquisition of chartered privileges of which we have any record was by Leon in 1020. Several others followed between this and 1076. Each of these charters was a compact by which the king or lord granted a town and adjacent territory to the burgesses with various privileges, such as choosing their own magistrates and Common Council and some concessions respecting revenue or other financial interests. These burgesses and their officers were bound to conform to the law of their founder, as stipulated in the charter, which generally embraced the Visigothic code. The king appointed an officer to receive tribute, but the administration of justice and the practical government of the territory were in the hands of the inhabitants. For these privileges the inhabitants were to contribute to the royal cause certain money and military service.

CONCLUSION OF VISIGOTHIC RULE.

I have now traced the principles of government as developed in Spanish history under the dominion of the Visigoths, interrupted for a time by the Moors, covering a period of eleven hundred years. It was about 414 when the Visigoths commenced the conquest of Spain, and their rule may fairly be said to have continued till the union of the two crowns of Aragon and Castile in the house of Hapsburg on the death of Ferdinand in 1516. While it is a history dominated more by Roman ideas than was the history of other German tribes, still, on the whole, the Visigoth Government was, in the main, controlled by principles recognizing the rights of the governed, and, considering the period in which they ruled, it secured to all

the privileges belonging to subjects as fully as was done by Governments that we are accustomed to look upon as more liberal. From possessing, perhaps, the most liberal Government in Europe under the Visigoths, Spain was given, probably, the most despotic one by the Hapsburgs.

ALL OF SPAIN UNITED.

RULE OF THE HAPSBURGS.

Philip I, Archduke of Austria, and husband of Joanna, oldest daughter of Ferdinand of Aragon and Isabella of Castile, ranks as first of the Spanish Hapsburgs. But his right extended only to Castile, and to that only by being husband of the heir to the throne, with whom he reigned jointly; and this because he died some years before his father-in-law, Ferdinand, who continued to rule over Aragon till his death in 1516. It was the son of Philip and Joanna, Charles I, who was the real founder of the Spanish Hapsburgs, who occupied the throne nearly two hundred years, becoming extinct on the death of Charles II, in 1700. On the death of Ferdinand the Catholic, in 1516, his grandson, Charles I, was the recognized heir to the whole Spanish territory, and the union of Aragon and Castile became permanent. Provincial designations, as applied to rulers, now ceased, and the Kingdom of Spain now emerged into history.

The two centuries of Hapsburg rule is one continued history of usurpation and despotism. The right of the king alone to legislate and levy taxes independent of the Cortes was extorted from the nation by force. In 1520, Charles brought to bear the power of the crown to compel the Cortes to grant supplies which they would not furnish voluntarily. In 1539, on a like attempt, so firm a resistance was made by the Cortes that the king dismissed them,

and subsequently called together a limited number whom he could control, and thus secured the semblance of a grant. From this time all independence in the Cortes was at an end, and absolutism in the crown was established.

RULE OF THE BOURBONS.

The Spanish Hapsburg line ended with Charles II, who died in 1700. By his will the crown of Spain was left to Philip of Anjou, grandson of Louis XIV, of France, who ascended the throne as Philip V. The War of the Spanish Succession followed, involving nearly all Europe. At its conclusion, by the Peace of Utrecht in 1713, Philip was left on the throne, but with the loss of the Italian provinces.

The French Bourbons, who succeeded the Hapsburgs on the throne of Spain, considered as an entire house, proved to be no improvement on their predecessors. Whatever Constitutional rights the kingdom, or any of its provinces, had retained under the Hapsburgs, were taken away by the Bourbons, with whom the royal will was the only recognized authority in State.

The occupancy of the kingdom by French troops from 1808 to 1814, and the rule of Joseph Bonaparte as king, perhaps had some influence on the Constitutional development of the monarchy, but it was of such an indirect and uncertain character as not to require treatment here. The Constitution prepared by Napoleon, and promulgated as the fundamental law of Spain, was never in force outside the line of French bayonets, and formed the basis of none of the Constitutions thereafter promulgated.

While the Spanish King was a prisoner in France, the Cortes assembled in Cadiz and formed a Constitution which was promulgated in March, 1812. A regency was also named for carrying on the Government during the

king's absence. When Ferdinand VII was liberated, in 1814, he returned to Spain, but refused to recognize the work of the Cortes, declared the Constitution null, and proceeded to govern along the old line of absolutism. At the same time, however, he declared his purpose to give the people a Constitution, but he never redeemed his promise.

In 1820 a revolt broke out which compelled Ferdinand to restore the Constitution of 1812. New and liberal measures for securing the rights of the people were adopted by the Cortes. The Inquisition was abolished and convents were suppressed. It seems probable that at this time, if left to herself, Spain would have enjoyed a liberal Constitutional Government. But at the dictation of the European Powers, and by the invasion of a French army, the Cortes was forced, in 1823, to suppress Constitutional Government and to restore to the king his absolute authority.

SALIC LAW INTRODUCED AND REPEALED.

The accession of the Bourbons to the throne of Spain in 1700 introduced a Constitutional change in reference to the descent of the crown. Under the Visigothic line of kings, and also under the Hapsburgs, females were capable of inheriting the crown. But with the accession of the Bourbons the Salic law, which had always been in operation in France, was allowed to prevail, by the provisions of which females were absolutely incapacitated for filling the throne.

Ferdinand VII, who was restored to the throne on the fall of Napoleon in 1814, had no son and no children of either sex by his first three wives; his brother, Don Carlos, was heir presumptive to the throne. In 1830 the king's fourth wife, a Neapolitan princess, bore him a daughter.

She had, in the meantime, in anticipation of this event, procured the king to issue a Pragmatic Sanction repealing the Salic law, the effect of which was to make this daughter, upon her birth, heir apparent to the throne. On the death of the king, in 1833, this daughter was proclaimed queen as Isabella II. A long civil war followed, headed by Don Carlos, who was contending for the throne under the old Salic law. Many Carlist risings and threatenings distracted the Government during the rest of the century. In 1834, while the Carlist revolt was in progress, the Cortes decreed the Carlists forever excluded from the throne; and two years later a constituent Cortes confirmed this decree.

CONSTITUTIONAL GOVERNMENT INAUGURATED.

Soon after commencing her reign the queen mother, as regent, gave the kingdom a Constitution which, a few years thereafter, the ministry modified, making the provisions in reference to suffrage more liberal, as well as introducing other reforms. In 1837, on demand of the people, the Constitution of 1812 was reinstated. In 1845 a reaction in favor of royalty having set in, many of the liberal provisions which had been in force were taken away. During the entire reign of Isabella, Constitutional changes were continually going on. There was an almost constant conflict between factions for supremacy in Government. One party favored absolutism as strong as it could be made; another entertained moderate views, and believed in guaranteeing the citizens in the enjoyment of limited privileges; while still another faction were progressive, and favored the Constitutional restrictions of power and guarantees of rights which were then becoming popular throughout Europe. Under the lead of one ministry, lib-

eral Government would be established, only to be followed, after a new uprising and under another ministry, by a reactionary and despotic rule. In 1854, under a new insurrection, a Cortes was chosen which adopted a new Constitution based on those of 1812 and 1837.

The continued rebellions which had characterized her reign culminated in a Revolution, in 1868, which spread over the whole kingdom, and drove the queen into exile. Her deposition was decreed in September of that year, and two years later she abdicated in favor of her son, Alfonso XII. After the flight of the king, a regency was established, under which the Government was conducted till the close of 1870, when Amadeus, son of Victor Emmanuel of Italy, who had been chosen king, commenced his reign. But being unable to pacify the country, he abdicated in February, 1873. A Provisional Government was in operation till June of that year, when the Cortes proclaimed a Federal Republic. No president was able to maintain a supremacy for any great length of time. A number of different persons filled that position till January 9, 1875, when the son of Ex-Queen Isabella was proclaimed king as Alfonso XII. Since the queen's deposition, in 1868, a civil war had been almost constantly raging, and the restoration of royalty was not adequate to quench it for a number of years longer.

Under the regency, provision was made for the election, by universal suffrage, of a Constituent Cortes, which assembled in February, 1869. After several months' deliberation a Constitution was prepared, which was publicly proclaimed on June 6th of that year. This Constitution provided for a limited, hereditary monarchy, ruling through a responsible ministry. Extensive powers were conferred on the king. The freedom of the press and of public meetings, and the right of petition, were guaran-

teed. Romanism was recognized as the State religion, but other forms of worship were tolerated.

A new Constitution was prepared in 1875, and adopted in 1876. The house of Bourbon is recognized as sovereign, hereditary both in male and female. To the king is committed the executive authority, with very extensive powers.

The Cortes consists of a Senate and a Chamber of Deputies. The Senate is composed of three hundred members, about one-third of whom are hereditary princes, nobles, and great magnates; one-third are appointed by the king; one-third are elected by corporations and great land-owners. The Chamber of Deputies is composed of one representative for every fifty thousand inhabitants, elected for five years by suffrage, on which are imposed few or no restrictions, except age. The king has an absolute veto on all acts of the Cortes. He may dissolve the Cortes, but in that case the decree must contain a provision for the election of a new one within three months.

A responsible ministry is selected by the king, through whom the Government must be conducted. Romanism is the State religion, but other forms of worship are, to an extent, tolerated and protected. There is a series of courts, from local tribunals to the National Supreme Court, and the judges are irremovable, except for cause.

Local self-government, through their own communal, district, and provincial officers, and under their own laws, is in vogue throughout the kingdom. A Parliament, elected by the various Communal Councils, sits in each province.

PORTUGAL.

THE MONARCHY ESTABLISHED.

FROM about the middle of the second century B. C. till the fifth century of our era the country we call Portugal was under the Government of Rome, and was known as Lusitania. The Visigoths overran the country in the fifth century, and, with other barbarians who followed them, held it till the eighth century, when it was conquered by the Moors. It remained under the dominion of the Mohammedans till near the close of the eleventh century. In the early part of his reign, Alfonso VI, of Castile, partially recovered the country from the Moors, and, in 1095, gave that part of it lying between the Minho and Douro to his son-in-law, Henry of Burgundy, who assumed the title of Count of Portugal. Henry made further conquests from the Moors, and greatly extended the boundary of his country. His son Alfonso succeeded him in the Government, and, in 1139, broke the power of the Arabs in a great battle fought near the Tagus, from which time the Portuguese date the founding of their kingdom, his soldiers having proclaimed Alfonso king on the field of battle. His title was afterwards confirmed by the pope, and the independence of the kingdom was acknowledged by the King of Castile. In 1143 the king convoked a Diet, which framed the fundamental laws of the kingdom. During the reign of Sancho, son and successor of Alfonso, the Moors were practically driven out of the country, and Portugal acquired her present boundary.

COMMERCIAL ENTERPRISE.

During the last half of the fifteenth century the Portuguese were the most enterprising people in Europe. By their daring adventures they were continually extending the world's geographical knowledge and adding to the power and glory of their own country. Finally, near the close of the century, in 1497, they passed round the Cape of Good Hope and opened to the world a water passage to India. For near a century the Portuguese were the dominant power in the Indian Ocean and on the east coast of Africa.

FEATURES OF GOVERNMENT.

The ancient Cortes was an important feature in the history of the Portuguese. First convoked in 1143, it continued to be called together, more or less frequently, till 1697, when it assembled for the last time till the French invasion. In 1580, on account of a failure of heirs in the direct line, there were several claimants for the crown. Philip II, of Spain, by means of his immense power, rather than on account of any legal strength in his claims, procured himself to be acknowledged king. The crown remained with the Spanish sovereign sixty years. In 1640 the people rose in revolt against the Spanish rule and oppression, and proclaimed the Duke of Braganza king as John IV. After a contest lasting a quarter of a century, their independence was again conceded.

CONSTITUTIONAL GOVERNMENT INAUGURATED.

At the entrance of the French into their country in 1807, during the Napoleonic wars, the royal family of Portugal sailed for Brazil, which this nation had discovered

and colonized nearly three hundred years before. In 1815, Brazil was raised to the rank of a kingdom, and the crown joined to that of Portugal. Here the royal family remained till 1821, when John VI returned to Portugal. During his absence, in 1820, the people had risen in revolt and, without force, secured a political revolution. A Constitution was proclaimed with very liberal provisions. It provided for security of person and property, the equality of all citizens before the law, eligibility of all Portuguese to office, the abolition of all privileges, and the freedom of the press. Before King John was allowed to land, on his return in 1821, he was required to swear to defend the Constitution. On the death of John VI, in 1826, his son, Dom Pedro, Emperor of Brazil, succeeded him, and gave the country a new Constitution. In the revolutionary times which followed for a number of years, an attempt was made to destroy Constitutional Government, but it was only temporarily successful. The Constitution of 1826 was revised by the Cortes in 1832, and received additions in 1852.

The Government of Portugal is a Constitutional, limited monarchy, hereditary in male and female. The administration is conducted through a ministerial cabinet, with the usual departments of Government. Courts are established in each district in the kingdom, from which appeals are allowed to the Superior Courts. District and Superior Court judges are appointed by the crown, but the inferior court judges are elected by the people. Trial by jury in civil and criminal cases is guaranteed. The right of suffrage is based on a small property income. Legislation is vested in the Cortes, composed of two Houses, the peers who are appointed for life by the crown, and the deputies who are elected by the people.

FRANCE.

GERMANIC INSTITUTIONS.

WHILE barbarism in all countries has many forms and elements in common, there are certain shades of difference which are shown in government when the people begin to emerge from barbarism into civilization. In their original home the Germanic tribe occupied certain territory, which, in so far as there was cultivation done, was cultivated by its own people and the labor of slaves. Each head of a family was established in the midst of his dominions, surrounded by his own people. Each tribe was comparatively small, and had its own Assembly composed of all the freemen belonging to the tribe. Justice was usually administered by the aged men of the tribe. So far as possible the tribe protected itself by settling next to a desert or some other natural barrier.

But the Germanic element, as it was developed in most European Governments, originated from the warrior band rather than from the tribe. In these bands were found military subordination, and the spirit of patronage, elements entirely wanting in the tribes. The members of these bands had also a spirit of freedom not found in the tribe. Each individual became a member of the band by his own choice; he selected his own chief and companions, and quit them when he wished to. He was the equal of

his companions, and inferior to the chief only in so far as was required by the necessities of military subordination. When Rome had no force to send for the defense of her frontiers, these bands rushed in and took the country. A wandering life was then usually given up for a settlement in the conquered territory. They then engaged in agriculture, and naturally introduced the civic institutions of the tribe. The interior and local affairs rested with the chief, while the general affairs were managed by an Assembly composed of the various proprietary chiefs.

In place of the contracted territory occupied in the Germanic forests, they now had thrown open to them unlimited districts. The chiefs being too far apart to meet often and deliberate, the political power of the Assembly soon noticeably declined. Their homes became their castles, around which sprang up villages of their followers. Thus the element of wealth, unknown in their original home, was introduced, and the equality that had existed among the warriors ceased. Gradually the differences in their condition became more marked. A local aristocracy arose, and the feudal system was the natural outcome.

Of the great principles underlying European government—viz., (1) Law, or the submission of the individual to a public power strong enough to control him; (2) Individual liberty, or the right of every person to choose for himself where he will go, what he will do, and with whom he will associate; (3) The moral element, or the recognition of the existence of a power higher than man under which we are to act, which gives efficiency to law,—the first was received from Rome; the second was the gift of ancient Germany; and the third was derived from Christianity. Individual liberty, independence, individuality in government, had their home in the German forests. Nothing of this was known in the Old World despotisms. Even

in Greece and Rome the citizen was subject to the public will, could have no will of his own. Individualism is Germany's legacy to free government.

The Church was also a great power in the development of the new forces of government. It was, at the time of the barbarian invasion, a strong organization, wielding an immense power. The bishops were the natural chiefs of the towns; they became their magistrates, and represented the towns and their people in the presence of barbarian chieftains. They also became the chief counselors of these chieftains and the kings who succeeded them.

BEFORE THE FRANKS.

Were it not that barbarianism knew no such term, Gaul would have been classic at the advent of the Franks. Five hundred years before Clovis led his warrior bands across the plains and along the valleys of Gaul, driving out all whom he could not mold into his own groove of thought and action, Cæsar had led his legions along the very same stream that Clovis now followed, had fought more desperate foes than those whom Clovis now encountered, had spent the time which other commanders would have given to feasting and merriment in writing the Commentaries which have been the treasure of the ages.

The Celts, whose migration from the cradle of the race into Europe was at a period beyond which even tradition goes, and at which history attempts to do no more than guess, were old residents in Gaul when the Roman legions first entered upon its conquest. Both being members of the Aryan family, the Romans and the Celts did not find it difficult to coalesce, and when their brother, the Frank, made his appearance he found the country and its inhabitants practically Romanized. It may be that hundreds of

years before this meeting the Teutons had driven the Celts, or some other wanderer from the home he had selected in Central Europe, and which the Teuton then desired to occupy; but this invasion under Clovis was not to displace the Romanized Celt, but to convert him into an active factor in the development of a great nation.

We may not be able correctly to estimate the influence on French history of the mingling of the blood of the several races which finally trickled through the veins of its citizens. The old Celtic emigrants had been thoroughly Romanized before the advent of the Teutons. On this Romanized stock was ingrafted, in the fifth century, the Burgundians in the East, the Visigoths in the South, and the Franks in the North, the last of whom were to prevail over all former settlers, and be the predominant force in national affairs. These races were all related; but each nation had been developed under such different circumstances from every other that their ideas of religion and government, as well as their customs and social life, were in marked contrast to each other. The fusion of these into one people must produce a very different nation from that which either would have developed had it been left to itself.

In tracing the development of this people it will be necessary to consider their character and condition when they first settled in the country, their lines of rulers, the system of government by them developed, the institutions they adopted to carry out their principles, and the result at which they, at different times, arrived.

THE MEROVINGIANS.

Three lines of kings have sat on the throne located in the beautiful city on the banks of the Seine, which presides over the world's fashions, besides important adminis-

trations outside of lines which have claimed the privilege of calling themselves legitimate. The Merovingians, the Carolingians, and the Capetians, each furnished rulers more able, perhaps, than the illustrious individuals who have been awarded the honor of being founders of, and giving the name to, their respective lines; but each of these founders had sufficient merit to justify history in giving him the prominence he has achieved on her pages. The rule of the Merovingians extended from 481 to 752; that of the Carolingians from 752 to 987; that of the Capetians, less interregnums, from 987 to 1848.

Merowig or Meroveus, who gave his name to the first line of Frankish kings, became the ruler of the Salian Franks in 448, about the same time that Hengist and Horsa were arranging for their expedition to England. While Meroveus gave his name to this line of kings, its real founder, so far as we are concerned, was his grandson, Clovis. The Visigoths had been in the southern, and the Burgundians in the eastern part of Gaul for more than a half-century when Clovis made his entry therein, and each had a firmly-established and well-organized Government at that time.

The home of the Franks in Germany was between the Elbe and the Rhine. They first appear in history about the middle of the third century, from which time they gradually moved west, and, at the beginning of the fourth century, we find the Salian Franks in Belgium and the Riparian Franks on both sides of the Rhine. As they successively and successfully encroached on the domain of the Empire, they were usually granted territory on which to settle, and their chiefs were given Roman titles and a certain amount of authority over Roman subjects in their domains. Clovis became king of the Salian Franks in 481. At that time their capital was at Tournay, on the Scheldt.

He was the first Frank to enter Gaul as a conqueror. During his reign he brought under his own rule most of the Frankish tribes, and conquered nearly all the barbarians within reach, so that at his death he ruled over all of Gaul except that part occupied by the Burgundians and Visigoths.

On the death of Clovis in 511—whether by his direction, by agreement among themselves, or by action of the nation through its chiefs, does not seem very clear—the kingdom was divided between his sons. Probably the chiefs at least consented, for four other similar divisions were made during the Merovingian rule. At different times during this period a number of independent kingdoms were established and maintained for a time; but, for our purpose, it is sufficient to name the only two whose existence was somewhat permanent. Without intending to name it as permanent boundary, the Meuse may be said to have been the dividing line between these two kingdoms. Neustria, the western kingdom, lay between the Meuse and the Loire, while Austrasia, the eastern kingdom, extended from the Meuse to the Rhine, and also included such Frankish territory as lay east of the Rhine. Austrasia was the old home of the Franks, into which Roman settlements had not gone, nor had Roman ideas or modes of life there made an impression. There the Teutonic language and customs prevailed, unaffected by those of a conqueror, while in Neustria Roman language and customs were predominant, and the Germans who settled among the Roman population were necessarily affected by them. From this fact it is not strange that in the Western Kingdom the Roman habit of submission to despotic authority on the part of so large a proportion of the people enabled the Neustrian kings to attain an absolute authority which the Austrasian kings could not wield,

because there the strong German element retained the sentiments of liberty which centuries of experience had inculcated.

Among the Franks, as with other people, the kings sought to bind to them individuals and classes on whose fidelity they might always rely. To accomplish this, different modes prevailed; sometimes it was by grants of land, sometimes by appointment to place; but however brought about, when a freeman, either high or low in station, bound himself by oath to be faithful to the king he was called a *Leude*. Frequently, however, this term was used in a more restricted sense to designate the more wealthy or aristocratic classes in the Government.

MAYORS OF THE PALACE.

The Franks were no more free than other nations from those fierce contests which are incident to struggles between persons and parties who are seeking to acquire or retain power. The nobility which was developing along with the growth and expansion of the Frankish Kingdom had all the inclination to make itself felt in the Government that is usually manifested by that class in other countries. At the same time it was the purpose of royalty to exercise as much power as its ability enabled it to acquire. The landed aristocracy sought to guard its interests against the encroachments which royalty is so likely to put forth, and, to carry out this purpose, a special representative at court became necessary. The mayor of the palace was an officer created by this aristocracy to protect its interest at court. Whether, as some claim, he was originally selected by the king, or whether, as seems to be more probable, he was from the first selected by the land-owners and approved by the king, may be a subject of conjecture; but certain it

is that, from an early day, he not only represented the land-owners, but was selected by them. His position made him the natural leader of the nobility. It is evident that, when such an officer was permanently installed, royalty had lost a large amount of its power. The power of the mayor and the weakening of royalty was much more apparent in Austrasia, where the German element prevailed, than in Neustria, where the Roman element was strong and was favorable to royalty.

The great power of the mayors enabled them, in a short time, to make the office hereditary. For more than a century before Pepin became king his family had been accumulating and transmitting power. The home of the family was in a strong German district on the Meuse, and the mayor of the palace, from this home, had no difficulty in placing himself at the head of the Franco-German aristocracy. The strong Roman sentiment in the West, and the lack of such a strongly-intrenched nobility to lend their support, rendered it impossible for the mayor in Neustria to control the king, even when the latter was not possessed of commanding ability. In addition to their position of mayor of the palace, the Pepin family added to their power by the military expeditions which they undertook and the spoil they thereby acquired. Charles Martel seized the property of the Church, and distributed it among his followers. Instead of making an absolute confiscation, Charles was usually willing to accept a grant to his followers for a limited time, free from rent. At the expiration of such time the parties who had received the grants were usually unwilling to surrender them, and hence arose a conflict between the Church and State. As the king had frequent need of the clergy, he had to secure a surrender to them of the granted lands. The Church estates thus farmed out were called *Precaria*.

Charles Martel acquired directing authority in Neustria as well as Austrasia, and was also recognized as Duke of the Franks, and the same authority descended to his heirs. With an evident aim of securing for himself supreme authority, Pepin now revived the ancient National Assemblies of the larger land-owners, which for a long time had been abandoned, and restored to them the exercise of their part in public affairs.

THE CARLOVINGIANS.

The force of custom and the tendency to observe an order of long standing had sufficed to preserve for more than a century the bare shadow of authority which now resided with the Merovingian kings, after all real power had left them. But with an ambitious officer wielding all the real executive power this state of things could not endure. By the course he had pursued in restoring them to their former position in the State, Pepin felt sure of the support of the nobles in carrying out his ambitious designs. The last of the Merovingians was no more than a State prisoner, brought out once a year to exhibit to the people at their National Assemblies, and then returned to the palace to perform no affirmative act in the administration of Government.

Pepin now sent a deputation to Rome with the question, "When there is a king in fact and a king in right, which is the true king?" Pope Zachary returned answer that he who possessed the royal authority ought also to possess the royal title. Pepin then convened the National Assembly of nobles, who chose him king, whereupon Boniface, Bishop of Mayence, consecrated him. Thus, in 752, without shedding of blood, and with scarcely a protest, a line of kings who had ruled for two hundred and seventy-

one year were displaced, and an entirely new strain of blood was set in circulation through royal veins. The Merovingians were succeeded by the Carolingians. Two years later, Pope Stephen being sorely pressed between contending parties in Italy came into France to seek the aid of the new monarch. Pepin, desiring to strengthen the title by which he held the crown, received reconsecration from the pope's own hands. The pope also consecrated the queen and their sons, and on Pepin and his sons he conferred the title of Patrician of Rome. This appeal of Pepin to Pope Zachary to decide between him and the Merovingian king as to which had the right to rule, and his subsequent consecration by Pope Stephen, are the first instances of papal interference in the settlement of kingly title, and furnish the foundation of the claim they thereafter made that the kingdoms of the earth were at their disposal.

The services thus rendered him Pepin repaid by leading an army into Italy, and conferring on the pope the territory he then conquered, which furnished the beginning of the temporal power of the popes. Perhaps no greater injury was ever wrought on the Church than in planting in the pontiff the idea of supreme authority in the State, and conferring on him temporal dominions, by which he became a rival of kings in wielding political power.

The accession of Pepin was a new German conquest of Roman Gaul, as much so as had been that of Clovis nearly three centuries before. German customs were renewed and re-established. Under the Merovingians the constant tendency of Government had been towards centralization. Under the Carolingians this was changed, and the era of division of power, and the establishment of the authority of the great landholders, was inaugurated. The National

Assembly of the great landholders of the kingdom was again an important feature of Government.

If the reign of Charlemagne is an apparent exception to the tendency of decentralization, which was the rule of this house, it can well be accounted for on the ground of his great ability and immense influence. While new countries and other people were added to his Empire, and the bonds of union between him and his people were constantly strengthened, still the participation of the people in the administration of Government was preserved. The aristocracy and the clergy—the two powers which had agitated the Merovingian rule—both of which were hostile to royalty, Charlemagne employed and satisfied without placing himself in the power of either. The Frankish warriors desired booty, Charlemagne desired conquest; the success of the latter enabled him to supply the former. The great land-owners desired a share in Government; the king held frequent National Assemblies, in which they participated, and the nobles were made counts, dukes, and appointed to other positions. The clergy wanted to obtain wealth and consideration; Charlemagne attached them to him by employing bishops in his service, patronizing learning in which they were interested, and bestowing on them rich endowments. Charlemagne was the first to see and suggest, the most careful in looking after the interest of the Church, the most warlike in the nation, the most devoted friend of literature and education. Foremost in every enterprise, he developed unity in Government, not by crushing out those who were ambitious to be of service, but because his great genius was in harmony with the age and was superior to the combined forces opposed to him. But the unity of forces brought about under the superior mind of Charlemagne died with him.

Not only the forces which tended to a centralization of power, but those which held the States together as well, were loosened on the death of Charlemagne. Notwithstanding the five dismemberments of the kingdom under the Merovingians, there had been a reuniting after each, and the union that existed on the accession of Pepin was stronger than it had ever been before. But the divisions that occurred under the Carolingians could never be permanently reunited. And so, also, of the internal forces; the nobility sought individual aggrandizement, each an absolute ruler in his own dominions, rather than the acquisition of power in their hands unitedly. Royalty was recognized only as a public suzerainty; there was no longer any absolute head of the State. The history of the Carolingians is the second of the struggles of declining royalty against the forces that were constantly rendering it less powerful, and more subject to other independent powers. Everything was out of gear and falling to pieces. The land-owners were now so powerful that there was no authority in the State that could stand against them. Each one was supreme in his own estate.

The details of the conflicts between the descendants of Charlemagne are not important as bearing on the Constitutional history of the kingdom. It is sufficient for our purpose to know that, after disgraceful quarrels and bloody battles, after separations and reunitions of portions of Charlemagne's Empire, on the deposition of Charles the Fat, in 887, who was the last Carolingian who ruled over the united Empire, there was a final division, and France and Germany were forever separated. It is well to remember that, at the final separation of Germany and France, the Constitutions of the two kingdoms were substantially the same; but in a century the nobility of France were independent and the king was without power, while

in Germany the king was strong, though not absolute, and the unity of the kingdom was unbroken. In the eleventh century these conditions began to change. Through various causes the German Emperor lost power, and the nobility became largely independent, while in France the king was gradually acquiring the mastery and bringing the nobility into subjection to his rule.

The history of the Franks in Gaul, and especially the history of Charlemagne's reign, was one of conquest. The natural outgrowth of conquest was the feudal system. The power of the German chief was in proportion to the strength of his followers. To secure and keep a strong band he divided with them the spoil of victory. At first this consisted of goods; but after the plan of conquering and holding the territory was adopted, the lands too were divided. The king or chief always tried to have these granted lands, or benefices, revokable at pleasure, but the beneficiaries were just as intent on securing them as permanent and hereditary possessions. During the ninth century feudalism was established throughout the Empire. In England the Saxons were, in a large measure, able to preserve their national institutions, even after the establishment of feudalism by the Normans; but in France feudalism absorbed the Government and all the national institutions.

The suppression of the ravages of the Norsemen by granting them a province and settling them within the bounds of the kingdom, was an important event in the Carolingian rule. Norman is the generic name for the Germans of Scandinavia. In their ravages they showed no partiality for national lines, but bestowed their presence wherever they found an undefended nook that was supplied with booty. France had suffered from them some under the Merovingians, but more particularly since the Carlo-

vingians had been in power. Finally, in 912, Charles the Simple assigned them Normandy, which proved to be as great a stroke of good policy for France as for the Normans.

Perhaps the loosening of the reins of Government in the hands of the children of Charlemagne had been conducive to the mixture of bloods; at any rate, before the close of the ninth century there was practically a union between the Franks and Gauls, out of the various dialects had been formed the French language, and from the conqueror and the conquered had sprung the French nation.

THE CAPETIANS.

It had taken the Merovingians less than three hundred years, and the Carolingians less than two hundred and fifty years to run their course. For a hundred years before the death of Louis V the family that was to supplant his line had been developing, and both acquiring and exercising power. The Northmen were making such ravages that Charles the Bald found it necessary to call to his aid Robert the Strong, who was given charge of the territory between the Seine and the Loire, and who lost his life at the hands of the Northmen. His son Eudes succeeded him, and was victorious over the Northmen in their attack on Paris in 885. In appreciation of his services in thus defending them the nation raised Eudes to the throne when they deposed Charles the Fat in 887. Before Eudes's death, in 898, he consented that Charles the Simple, who was the legitimate king in line of descent from Pepin and Charlemagne, and who, on account of his infancy, had been put aside for Charles the Fat, might be called to the throne, and the kingdom was divided between them. On the death of Eudes, his brother Robert succeeded him as Count of

Paris and Duke of France, but no attempt was made to displace Charles the Simple as king till 922, when his own incapacity became so apparent, and the harshness of his minister became so unbearable, that the nobility raised Robert to the throne. On his death the following year, the nobles elected his son-in-law Raoul, or Rudolf, Duke of Burgundy, king. Still, Charles contended for the kingdom, and was not fully displaced till about the time of his death in 929, after which Raoul's rule was acknowledged throughout the kingdom. At the time when Raoul was elected to succeed Robert as king, Robert's son, Hugh the Great, succeeded his father as Count of Paris and Duke of France, and became the real ruler of the kingdom until his death in 956, when he was succeeded as Count and Duke by his son, Hugh Capet. Leading up to the recognized royal Capetian line we have found the following Counts of Paris and Dukes of France, all of marked ability: Robert the Strong; Eudes, who was also king; his brother Robert, who was also a contesting king for a year before his death; and Hugh the Great, whose son, Hugh Capet, succeeded him, and later became the first of the succeeding royal line.

On the death of King Raoul the nation recalled from England the representative of the Carlovingian line, Louis d'Outremer, and placed him on the throne. On the death of Louis the Sluggard, in 987, without issue, his uncle Charles was the next in line of succession, but he had estranged the nation by holding Lorraine as a fief of the Emperor Otho, of Germany. Under these conditions it was *not* difficult for a powerful duke, like Hugh Capet, to obtain the favorable action of the lords in displacing Charles and electing Hugh king. Thus ended the rule of the Carlovingian line, and commenced the rule of the Capetians, who were to remain on the throne till France

should seek to change the form of her Government and assert the inherent right of the people to choose their own rulers.

In connection with this change of dynasty it might be remarked that, during the reign of Philip VI, in the first half of the fourteenth century, the Count of Dauphiny ceded his province to the king's grandson, who became Charles V. From this circumstance the oldest prince was called dauphin.

RULE OF ROYAL DESCENT.

I may also, here as well as elsewhere, state the French rule of royal descent, and the application of the Salic law, by which it was claimed that females were excluded from the throne. The question first arose in reference to an actual case early in the fourteenth century. Louis X left a daughter Jane, and his widow pregnant, who, in 1316, brought forth a son, John I, who lived but four days. Louis's brother now caused himself to be crowned king, as Philip V. An assemblage of dignitaries, convened at the time, declared a female incapable of succeeding to the crown. While no female had ever ruled the Franks since the accession of Meroveus, this was the first time when a female had been a sole heiress in the royal line, and consequently the first time when that question practically arose. French writers have claimed this rule as a fundamental maxim in their Government; but there is no written law to that effect; and, apparently, no ancient writer asserts it. The compilation of the Salic laws gives this rule in respect to property, but says nothing about its applicability to other inheritances. It had not been applied to feudal inheritances, and in a number of instances females

had inherited and administered great fiefs. This question became an important one in connection with the contest between the French and English claimants for the crown. If females were to be admitted, then Jane, the daughter of Louis X, as well as daughters of the two subsequent kings, clearly had precedence over Isabel, daughter of Philip IV and mother of Edward III. Consequently, Edward claimed that, while females could not themselves succeed to the throne, their male descendants could. This was clearly contrary to the rule of inheritance; but if it were the rule, it would not help Edward's claim, for then Jane's son, the King of Navarre, had precedence over Edward.

FRENCH TOWNS.

At the breaking up of the Roman Empire, her municipal system, as it had spread over Spain and portions of Gaul, survived the wreck and remained practically in operation. Undoubtedly the barbarian settlers had some influence on its administration; but the Government of the towns in Southern Gaul, after the establishment of the Frankish kingdom, was carried on very much the same as it had been before. But in the contest of elements that ensued on the death of Charlemagne, resulting, before the close of the ninth century, in the establishment of the feudal system in France, most of these towns had lost their ancient rights, and found themselves under the control of a lord. Probably, in the stronger towns, some of the old municipal privileges were still preserved; but the policy of feudalism was to bring all elements in the State under its jurisdiction.

The tenth and eleventh centuries were given up to feudalism, but at the opening of the twelfth century a determined effort on the part of the crown was put forth

to break the power of the feudal barons. The long and severe contest which ensued was favorable to the growth of municipal rights and to the advancement of the interests of the people.

Probably even earlier than this a few towns had acquired municipal rights; but commencing with the reign of Louis VI at the beginning of the twelfth century, and extending through that and the following century, the growth of chartered rights was rapid and important. In order to raise up an independent power against the feudal barons, the crown chartered many towns on the royal domain; and to counteract the king's effort to gain influence, frequently the lord would follow his example and strive to bind the people to himself by granting like, or even greater, privileges. Many of these charters contained liberal provisions, mostly, however, relating to the protection of person and property. Few of the French towns aspired to sovereignty or to political independence as did the towns of Italy. As the kings, and sometimes the lords, were in great need of money, these charters were frequently granted for a money consideration, but sometimes for some service, or in anticipation of some benefit to be derived therefrom.

The placing of the towns under the government of their own citizens, on whom were conferred political privileges, had a strong tendency to elevate the character of the people, and to give them a feeling of independence which they could not otherwise have attained. At the opening of the fourteenth century the king had come to rely on their support to a degree before unknown, and at the establishment of the States-General it was made to include the bourgeois, along with the nobles and clergy. Deputies from towns appear at the first session held in 1302, and are thereafter recognized as a constituent part of that body.

THE CONDITION OF THE PEOPLE.

In European nations the political as well as the social institutions have been affected by the relation the people sustained to the soil. At first the condition of the person gave rise to that of the condition of the land; as man was more or less free and powerful the land which he occupied became of a corresponding character. Further along in their history the condition of their land indicated the condition of the people occupying it. When land had taken the character of a benefice or a fief, it was known that those living upon it had lost some of their original independence. Originally man gave his character to the land, but in the end he took his character from the land. When the Franks entered Gaul, all were freemen, and to the land they conquered and occupied they gave free title (allodial), so that whoever held it could dispose of it as he chose, dependent on no superior, and subject to no tribute nor service of any kind. In time, through various causes, most of the people surrendered their free allodial estates, and in lieu thereof accepted a benefice, a fief, or a tributary estate. When this species of estates came to prevail, the person or the institution holding the fee—the superior title—gradually took from the beneficiaries, or those holding under them, some of their ancient rights and privileges, and imposed on them certain burdens. The heirs of these persons, or those to whom they transferred their interest, took the estate subject to these burdens and resting under these limitations; so that the land imposed on its receiver the servitude that the original freeman had voluntarily placed upon the land. Before the close of the Carolingian period the body of the Franks had become villains, or serfs.

It was not till the fourteenth century that anything was done towards relieving the villains from the burdens under

which they labored. In 1315, Louis Hutin issued a general edict allowing all villains on the royal domains to purchase their liberty by the payment of a moderate sum. Of course, the royal example had its influence on the barons and inferior feudal lords, but the process of changing villains and serfs into freemen was a long and tedious one.

THE NOBILITY.

While we know very many things in reference to their early history, still the origin of the French nobility is surrounded with doubt and obscurity. Within historic times we have the nobility deriving title from descent, from military service, from official position, and from letters patent.

From the establishment of feudalism all who held land immediately of the crown were barons. Prelates and abbots were also feudal nobles with the same privileges as the barons. At first the lay nobles held the first place, but in time the clergy came to outrank them. In a subordinate class were the vassals of this high order, who were called vavasors.

Prior to the institution of feudalism, the persons occupying the highest positions in the social scale among the Franks were those who had sworn fidelity to, and been accepted as trustworthy by, the king, and who were then designated leuds. It was from this class that most, if not all, the officers were selected. Naturally their places became hereditary, and as their privileges and power increased they probably developed into a species of nobility.

The royal power of granting, and also of revoking, titles of nobility was quite ancient, extending certainly to Philip Augustus, who granted titles in 1189, and probably he was then exercising a power that had been in use long before his time. In 1696, Louis XIV created five hundred

nobles, for which each paid £240. Persons of wealth were sometimes compelled to accept and pay for titles. The power to revoke titles was claimed by the crown as incident to the power to grant. Both Louis XIII and Louis XIV revoked all titles which had been granted prior to a certain date. Formerly, only the landed gentry were ennobled; but in the thirteenth century the crown commenced conferring titles for a consideration, regardless of landed possessions, and this practice thereafter became common.

So far as we can now ascertain, the distinction between the peers and the common nobility was first made in the reign of Philip Augustus, at the close of the twelfth century. There were then recognized six lay and six ecclesiastical peers; these formed the king's council, and, with household officers and certain lay assistants appointed by the king, composed the Parliament on its organization. To the number of peers as thus originally recognized were subsequently added the princes of royal blood.

For two or three centuries the powers and privileges of the nobility were almost supreme; but when the feudal system began to wane, and the power of the crown to increase, the authority of the nobles grew less. Still they had great power and influence down to the time of the Revolution. When the nobility had lost much of its power, so that its usefulness, as a protection to the people or otherwise, was not apparent, its support became a burden and was one of the causes which led to the Revolution.

DISPOSITION OF OFFICES.

The early Frankish kings appointed and removed their officers at pleasure; but when an efficient officer had associated his son with him in its administration it was very natural, on the death of the father, for the king to continue

the son in his place. Dukes, counts, marshals, and other officers soon became, if not absolutely at least to a large extent, practically hereditary. This condition of things existed before the introduction of the feudal system, and upon the establishment of feudalism the practice became more firmly fixed. By a capitulary of Charles the Bald in the last year of his reign, 877, all provincial offices were made hereditary. In 1467, Louis XI declared by ordinance that all offices would be held for life or till forfeited. It became the settled policy of the crown, in so far as offices were not hereditary, to make them a source of income to the royal treasury. All positions connected with the raising of revenue were made salable by Louis XII, and Francis I established a regular department for the sale of all offices at a fixed price. In 1568, Charles IX permitted, for a stipulated consideration, the holders of offices to sell the same as they might any other property. Even judicial offices became the subject of sale and traffic.

NATIONAL ASSEMBLIES.

The free institutions which the Franks had enjoyed in their German home—local and general Assemblies, where all met as equals and discussed the matters of common interest—lost much of their power, and exerted less influence on Government after they settled on conquered territory. The inequality in social condition was constantly increasing; their scattered condition over a large extent of conquered territory, the greater power acquired by the chiefs, and the more subserviency manifested by the comrades to them, lessened the general interest on the management of affairs. These, and other reasons, tended to diminish the attendance of the freemen at the National Assemblies. Soon they were attended only by the large

land-owners, the superior clergy, and the lords. The subordination of the freeman to the lord, the rise of the landed hierarchy, the holding of lands as benefices or fiefs, laid the foundations of feudalism, the tendency of which was to destroy nationality. Besides these tendencies, the efforts of the king were to bring all conditions under his rule; consequently, he wanted only such Assemblies as he could control. Notwithstanding all these hindrances, so strongly was the German principle implanted in the people that this national safeguard of free institutions was, to a certain extent, preserved for centuries.

One can not speak of the composition, meeting, power, and influence of the National Assemblies at any particular era under the Frankish kings, and have what is said in reference to such period entirely applicable to the same features at some other period. But in general it may be said that, in theory and at their best, these Assemblies were meetings of the body of freemen for the discussion of the general interests of the Government and the determination of the policy to be pursued. At first but one meeting a year was held; but in the time of Charlemagne there were two. The Champ-de-Mars met in the fall and the Champ-de-Mai in the spring. At the former, only the king's counselors and the most influential men of the nation were expected to be present; the general administration of the Government and the condition of the kingdom were discussed, the contributions to the Government received, the spoils of victory divided, and preparation made for the business of the general meeting of the body of freemen to be held the next spring.

At the spring meeting the capitularies—little chapters—usually drawn up beforehand by the king, were presented, discussed, and, if meeting the approval of the Assembly, were promulgated as laws.

When the weather was pleasant, these Assemblies were held in the open air; at other times in rooms provided for them. While their deliberations were in progress, no one was allowed to enter their presence, except the messengers to communicate between the different departments and the Government. The ecclesiastics met by themselves, and the laymen by themselves, except when they had matters of general interest to all, and then they met together and discussed them. The king met with them only when requested; at other times he communicated with them by messenger.

These Legislative Assemblies, more or less democratic in their make-up, were held somewhat regularly under the early Merovingians; then abandoned, renewed by the later mayors of the palace, and continued under the early Carolingians. The last one of which we have any account in which capitularies were enacted or other legislative business transacted was in 882, under Carloman.

From this time there is a long interval absolutely blank in French legislation. During this time the king was like a great feudal chief. His Royal Council was composed of barons or tenants in chief, prelates, and household officers. They advised him in matters of Government, consented to his grants, and judged in civil and criminal cases where any peer was concerned. In the great fiefs the lords acted, each in his own domain, with Councils similar to the king's. During these times, however, it seems that, on special occasions, the king summoned large Assemblies to discuss or act on particular matters. The Capetian line of kings were especially averse to outside interference, and seldom acted on the advice of National Assemblies. While the English kings possessed much more real power, the French kings were much more arbitrary and acted according to their own will without consulting their people.

It was a fundamental law of the feudal system in France, and apparently in all countries where the feudal system prevailed in its purity, that every feudal tenant was so far sovereign within the limits of his own fief that he could not be bound by any law to which he had not consented. The peers of France seldom attended the king's Council because they denied its coercive power. The want of a regular Legislature was something of an excuse for the frequent ecclesiastical Councils held during this period, and which sometimes indulged in a species of legislation.

But the nobles did not remain entirely exempt from the king's legislative power. The first attempt that appears to have been made during this period at anything like general legislation was by Louis VIII in 1223. A law relating to the Jews recites that it is made with general consent of the people, which probably implies that a General Assembly was held. But, aside from this, the king's Court or Council gradually assumed and exercised jurisdiction throughout the kingdom, notwithstanding the claim of the nobility to control all matters within their respective fiefs. The royal ordinances, made with the approval of the Council, were a species of legislation, and were made to extend over the whole realm. The annexation to the crown of the two great fiefs of Normandy and Toulouse brought those subjects under the control of the king, and aided in extending the power of the royal ordinances.

ASSEMBLY OF THE NOTABLES.

On special occasions the king sought help, or hoped to pacify the people, by convening such as he might select of the most eminent of the nobility throughout the kingdom to consult on important matters. But few of such Assemblies appear in French history. One was convened

by Henry IV, another by Louis XIII; the last one held was called together by Louis XVI, in 1787.

STATES-GENERAL.

The absence of any definite legislative body in the Government for several centuries was felt, by both king and people, to be a weakness which often led to bad results. Philip IV (the Fair), conscious of his acquired strength and power over the nobility, determined on an innovation in Government. To the prelates and nobility whom he proposed to call together he added representatives of the people. The first meeting of the States-General was held in 1302. The purpose of the king seems to have been to weaken still further the power of the barons, and also to gain more liberal supplies than he could collect from his disaffected nobles and without the consent of the people. The first grant of a subsidy by the States-General of which we have any record was in 1314.

We can not be at all certain as to the Constitutional right of the States-General, either claimed or conceded, during the first half of the fourteenth century. But gradually its right to impose taxes was acknowledged, and, besides this, it participated more or less in general legislation. A bolder spirit was manifested in the representatives who assembled in 1356, just after the battle of Poitiers, and also in those who assembled the following February. But apparently the public feeling did not approve the proposed reforms in Government, and the regent seems to have had no difficulty in brushing them aside. At this time the rule had been firmly established by the States-General that no measure could be passed unless it received the sanction of all three orders—prelates, nobles, and commonalty.

Both John II, after his restoration, and Charles V, imposed taxes without the consent of the States-General, and, indeed, during the reign of the latter this body was seldom convened. Under Charles VI the contest between the States-General and the king was renewed, and in the first Assembly held in his reign the king was compelled to revoke all taxes illegally imposed since the reign of Philip IV. This seems to have been the broadest and most remedial ordinance in the history of French legislation prior to the Revolution, and it might have been the basis of a free Constitution had matters gone favorable to liberty; but in the quarrel with the court which ensued the popular party met with signal failure.

The States-General had no share in the exercise of sovereignty which was inseparable from legislative power; its right to redress abuses was confined to petition and the withholding of supplies. Even in granting supplies the members could not bind their constituents without their express consent, so, after they were voted, the Government was not sure they would be paid. Partly on this account the king often dispensed with his subjects' wishes when levying contributions upon them. Still, in theory, the consent of the people was considered necessary in levying a general tax. Neither Charles VI nor Charles VII often convoked the States-General.

During the fifteenth century, to avoid consulting the States-General, the king frequently appealed to the Provincial Assemblies—the Provincial States, having the same composition, prelates, nobles, and deputies—and to the province sustaining the same relation that the States-General did to the kingdom, from which he was usually able to obtain larger grants than would be voted by the National Assembly.

Finally the royal power came to regard the consent

of neither Provincial States nor States-General as necessary to the imposition of taxes. The levying of taxes by his own authority, commenced by Charles VII, was carried to the furthest extent by Louis XI, and the States-General was convoked but twice during his reign.

The last struggle made by the States-General against royal tyranny took place in the first year of the reign of Charles VIII, 1484. The power of the States was greatly diminished by being divided into six nations or provinces, sitting in separate Chambers. Court intrigues were generally able to prevent their agreeing, and thus the triumph of royalty was complete. The power of the States-General was now broken, their assembling became infrequent, and their influence in Government was immaterial. In 1614 was held the last session of this great Assembly prior to its meeting in 1789, when its action was to have such an important bearing on French history.

COURTS.

Frankish Gaul was divided into districts corresponding to the Saxon tithings, hundreds, and counties; and here, as there, local Assemblies, or Courts, were held. These corresponded, in a measure, to their ancient German Assemblies. In them their general local business was transacted. At the same time, coextensive with them, and, in a measure, antagonistic to them, existed the Seignorial Courts, where the chieftain, the count, the duke, with the aid of his comrades, his colonists, his retainers, administered justice among them. These are the rudiments of the feudal organization which gradually undermined and destroyed the Assembly of freemen.

In addition to these two Assemblies, or Courts, there existed the authority of the count who represented the king

in his county or district, and who assembled men for military purpose, collected the revenue from the royal domain, and, in general, looked after the royal interest. Probably he was originally the chief land-owner in the district or the chief man in some other respect. The importance of the position in time made it a source of title—count, patrician, margrave. A duke was an officer of a somewhat higher position than that of count. At first these officers were appointed and removed at pleasure, but naturally the position grew to be hereditary.

The Franks, as the Germans generally, were jealous of parting with their right to be judged by officers of their own selection. In France the *decadus* corresponded to the English tithing man, and the *centenaries* to the chief of the court of the hundred. These local officers were selected by the people. By a capitulary of Charlemagne a man could not be tried for his life, liberty, or land, in one of these local courts.

The sovereign appointed a judge of the district, who shared the powers of the court with the *scabni* selected by, or with the approval of, the people; they were the assessors, and, in a measure, corresponded to a jury. In most cases an appeal lay to the count palatine, or officer of the royal household, and in some cases to the king himself. To correct abuses of counts and royal officers, Charlemagne appointed special judges to hold *assizes* throughout his domain, who inquired into maladministration and removed delinquents. This original species of jurisdiction was gradually supplanted by one based on feudal principles.

From a very early time—as early as 630 in the reign of Dagobert I—royal grants sometimes contained a stipulation exempting the grantees from liability to answer in the royal courts. During the time that allodial lands were

the prevailing tenure by which estates were held, this change of policy was slow and unimportant. But as the feudal principle came to prevail, and the count, from a royal officer, became the suzerain, the county court was remodeled according to feudal usage. The feudal system now rapidly spread over France and Germany, and the royal court, like the royal law, was forgotten. The rules of evidence were superseded by the judicial combat.

Generally, at least, the lord could not sit personally in judgment in his court, and when he did preside he could not exercise jurisdiction without at least two peers of his fief present. As a general rule, either the bailiff or some vassal of the lord presided.

The Supreme Council, or Court of Peers, was the great judicial tribunal of France from the time of Hugh Capet. This court alone had jurisdiction to try one of the king's tenants-in-chief or barons; originally composed of feudal vassals, coequal with those to be tried, and the king's household officers, appeals to its jurisdiction became so numerous that the chief barons would only attend when one of their own number was to be tried.

In 1190, Philip Augustus first established royal courts, presided over by bailiffs, seneschals, or similar officers, from which appeals lay to the Supreme Council. These courts rapidly encroached on the business of the feudal courts, as most litigants had rather trust to royal justice than that administered by the lord. It was the establishment of these courts, with the right of appeal, that so largely increased the business of the Court of Peers.

This was the status of judicial matters when St. Louis, in the middle of the thirteenth century, enacted his code, known as the Establishments. By this code judicial combat was prohibited in all the royal domains. The king also induced several barons to adopt the same rule in their

territories. Judicial combat being one of the cherished institutions of the barons, it was hard to displace it. But the royal example and the royal power were brought fully to bear to bring about a reform, and gradually the barbarous practice gave way to the regular procedure in courts of justice. Although it was never formally abolished by statute in France or England, it was seldom appealed to after the thirteenth century.

It was the reign of St. Louis that produced the great reforms in French jurisprudence. His regard for regularity as well as his love for justice, in addition to abolishing, so far as he was able, judicial combat, reformed the tribunals, introduced lay counselors into the Court of Peers, gave a regularity to their sittings, and ended, at the opening of the fourteenth century, in a division of the work of the Supreme Council whereby the political, financial, and judicial divisions were given separate tribunals, the latter being vested in Parliament, whose sittings were now made permanent in Paris.

PARLIAMENTS.

The National Assemblies, having ceased to be held in the time of the Carlovingians, were succeeded by a more or less regular gathering of nobles, on whose advice the king acted, and who sat in judgment on the trial of members of the nobility. From the accession of Hugh Capet there seems to have existed a regularly-organized Supreme Council or Court of Peers, originally composed of feudal vassals of the king and his household officers. Louis IX, as a part of the judicial reforms he established, gave the body a fixed time of meeting, admitted into it learned counselors not of the nobility, chiefly ecclesiastics, who at first, as is supposed, had no vote, but who gradually acquired

the right to vote with the other members. This body now came to be known as Parliament. By an ordinance of Philip the Fair, in 1302, the Great Council was divided into three departments, and each assigned separate duties, viz.: the Great Council proper, having charge of political matters; Parliament, on which was conferred judicial functions; and the Chamber of Accounts, to which was intrusted financial matters. This last department may have been separated from the Parliament at a somewhat later period; for at times it seems that Parliament had the finances under its control. At this same time Philip named Paris as the permanent place for the sitting of Parliament.

From this time, 1302, the Parliament of Paris became one of the permanent and recognized powers in the State. In place of a loose aristocratic Assembly, as it had been when first organized, it was made to consist of a definite number of nobles, clergy, and laymen, had been given a fixed place of meeting, and had become a systematic tribunal. Of course, other changes in its composition were thereafter made. To quite an extent the clergymen and lesser nobility withdrew from attending its sittings, while retaining their right as members. The presence of the great peers and most learned laymen gave it a political significance that added to its dignity.

To its judicial jurisdiction were gradually added other important functions. In 1371 the nobles appealed to Parliament for redress against a tax imposed by the king alone, when it was recognized that taxes could only be levied by consent of the States-General. A little later, during the reign of Charles VI, it held, in a degree, the balance of power between him and the disaffected nobles. Before the close of the fourteenth century it had acquired jurisdiction in the matter of enrolling laws and royal ordinances. In the twelfth and thirteenth centuries the royal

ordinances were drawn up and approved by the Royal Council. After feudal forms had, to a large extent, given place to royal power, the king and his ministers drew up these ordinances, and sent them to the Parliament to be registered. Soon it came to be understood that registration by Parliament was essential to the validity of a royal ordinance. This understanding seems to have prevailed at least from the end of the fourteenth century. Sometimes Parliament registered in a way to manifest its disapprobation, and sometimes it refused to register at all. In 1667, Louis XIV issued a decree allowing only eight days in which Parliament might remonstrate against his ordinances; after that, their registration and binding force were presumed. Of course, under his reign, remonstrances ceased, but they were afterwards revived.

Originally the counselors of Parliament, who at a later day developed into full members of the court, were appointed by the king. Some things indicate that afterwards they were selected by the Council or some other body. But they seem to have been removable by the king at his pleasure. In 1468, Louis XI issued an edict making their tenure permanent and providing for their removal only for legal cause.

The increase in the power and importance of the several provinces of the kingdom, and the jealousy entertained by each against the other, as well as the public necessities, led to the establishment of a number of new Parliaments, with substantially such powers as were possessed by the Parliament of Paris. Of the eleven Provincial Parliaments, that of Toulouse was established in 1443; that of Grenoble in 1453; that of Bordeaux in 1462; that of Dijon in 1479; that of Rouen, or Normandy, in 1499; that of Dombes or Provence in 1501; and the others somewhat later. Without the independence or the power of

legislation possessed by the English Parliament, the Parliament of Paris exhibited a firmness against the assertion of the absolute will of royalty, and a resistance to royal oppression, which was truly commendable and is worthy of admiration.

GROWTH OF ROYALTY.

It is not an easy matter to discriminate correctly between appearances as presented to our view at different times, and to trace intelligently the varying power of the French kings, and understand the position each sustained to the Government. Yet this is the work that must be done if we are to have a comprehension of the country's Constitutional growth. From little more than military chieftains in their German home the Frankish kings gained additional power from the moment the tribe settled on conquered territory. In another place I have spoken of the equality of the German freemen, of the administration of justice, and the shaping of the policy of Government in their Local and General Assemblies, of their choice of a leader on starting out on a military or marauding expedition, of their absolute freedom in the choice of a leader, and their right to leave him when they chose. But these customs could only exist and be in full operation in a compact tribe, settled on a comparatively small territory. The scattered condition of the people after they settled in Gaul, the difficulty of getting together, and therefore the infrequency of their meeting in General Assemblies for tribal Government, as well as other causes, contributed to a rapid centralization of power under the Merovingian rule. This tendency to centralization was even stronger under Charlemagne than it had been before, but not so much because the times favored it as because his supreme genius enabled him to command it.

But only a man of extraordinary ability could retain in his own hands permanently the power necessary to be exerted in governing so vast an Empire. Consequently, the weak Carlovingian kings who followed Charlemagne allowed the power to be wrested from them, and royalty was scattered and distributed among a hierarchical landed nobility, and the king was accepted as little more than a suzerain. The feudal system was the natural outgrowth of Charlemagne's policy when transferred from the hands of a master to those of a pigmy. There was little kingliness left in this line when the Carlovingians ceased to rule at the close of the tenth century.

The power and privilege of the citizen had largely disappeared when their National Assemblies became infrequent or ceased altogether. In them he could make his wishes known, and his physical force was sufficient to cause them to be respected. But when, in the place of the meeting of the whole tribe, the policy of the Government was determined by the king alone or in a meeting of a few great land-owners, the authority of the citizen as a controlling factor in Government had ceased. All of this had taken place long before the establishment of feudalism. But when, in the latter part of the ninth century, feudalism had been established and was fast supplanting all the original forces of Government, the practical working of its principles completed what the natural surroundings of the people in their new home had started and tended to increase, the destruction of the power of the people. Thus the first great conflict that took place in the nation was between the king and the aristocracy; the liberties of the people had already been sacrificed.

Still the desire in the people to regain their lost liberties had not died out. In the Frankish kingdom, during the Merovingian and Carlovingian rule, there was a con-

stant struggle among free, monarchical, and feudal institutions, with varying degrees of success; but at the end of the tenth century feudalism, which had in the main prevailed for a century, was completely and systematically established; then an entirely different conflict arose. The body of the citizens, most of whom had become serfs, or tributary colonists, strove to regain some of their lost rights and some of their property. The king sought to regain some of his lost power, and to be recognized as the actual and controlling force in the State. The nobility were intent on maintaining their independence and to remain exempt from the control of any central authority. There was not then any uncertainty in the condition of either class; each party knew his position, what he had lost or won, and what he was striving to regain or hold.

At the accession of Hugh Capet the kingdom was under the control of a few great vassals, and kingly authority existed only in name. This condition of things continued during all of the eleventh century. Notwithstanding the feebleness of royal power at the expiration of the Carolingian rule, from the accession of the Capetian dynasty there was a purpose to regain the royal prerogatives. While all that the ablest of the Frankish kings had won of royal power had been wrested from the hands of degenerate successors, out of the feudalism that had usurped it was to spring a monarchy which was to be strong and abiding. Notwithstanding the fact that feudalism had been the last and the controlling cause in the destruction of the rights of the people, out of feudal servitude was to emerge a substantial liberty. In making a choice between the two contending powers, the people preferred to place themselves in the hands of the king rather than in those of a feudal lord. Arbitrary power may be endured when dis-

tant, but when it is brought to the very door of the subject he sees himself a slave. The colonists and serfs so generally felt themselves oppressed by their feudal lords that they were glad to accept the more distant oppression of royalty.

Little, if anything, need be said of the first four kings of the Capetian line. The founder of the line needed to use all of his ability in securing himself firmly on the throne. The three who succeeded him cut no great figure in royalty, and the most that can be said of them is, that they did not suffer any further encroachments on royal power to be made by the feudal nobility. The era when the growth of feudal power ceased and the centralizing power of royalty began to be felt may be said to have commenced with the reign of Louis VI, in the first half of the twelfth century. Louis VI was a brave and active ruler. A little of the old royal power had been gained by his predecessors of the Capetian line, but even at the close of this vigorous reign royalty did not claim the right to rule alone. It acknowledged the independence of feudal seignories, and left them free in their own dominions; but it separated itself from feudalism and asserted its superior right to rule, not in place of the nobles, but independently of them, for the purpose of preserving order throughout the entire realm. With the reign of Louis VI we may date the change in the French Constitution from a feudal to a royal Government. Of course the change was not complete, but a definite start in this direction was taken.

Philip Augustus, in the last part of the twelfth century and the first quarter of the thirteenth, was the greatest prince of his age, and by his victory over the Count of Flanders, in 1214, he made the royal power predominant. He pursued an entirely different course from Louis VI. Recognizing the danger to royalty, as well as to the liber-

ties of his subjects, from the aggressions of the papal power, he sought to curb it through a union of the nobility with royalty. It was his plan to enlist the great barons in his enterprises by a recognition of their power and a consultation with them in his Great Council, where he secured their assent to his measures and their approval of his laws.

Philip's successor, Louis VIII, made the first attempt in this period at securing national legislation, so far as we have any record. Probably he secured a larger attendance at the Supreme Council and obtained the sanction of the nobility to an ordinance affecting the Jews, which recites that it was made with the general consent of the people. From this time the nobility did not remain exempt from royal legislative power. Notwithstanding the protests of the nobility and their claim of exemption in their own fiefs from outside interference in any way, the King's Court or Superior Council, which was then the only National Assembly, gradually assumed and exercised jurisdiction throughout the kingdom, and the royal ordinances were extended over the whole realm.

Under Louis IX, whose reign occupied the middle of the thirteenth century, the royal power was especially exerted in bringing the whole kingdom under one judicial system. The promulgation of his code of civil and criminal law, known as the Establishments, together with his abolition of judicial combat throughout the royal domains, and the more regular establishment of the Supreme Council, with laymen introduced to assist in its administration of justice, unified the judicial system, and, though it did not pretend to abolish feudal courts, it presented such superior facilities for obtaining justice as very largely to draw from the feudal courts the jurisdiction they had so long enjoyed.

St. Louis was, perhaps, the most eminent pattern of a strict adherence to conscientious convictions of duty who ever sat on the throne of any country. This estimate may be justified, notwithstanding his extraordinary superstition and other weaknesses of a like character. He always maintained his determination to be guided only by Christian principles, and his course of conduct was such as to impress every one with the sincerity of his views.

Philip the Bold and Philip the Fair had less ability than St. Louis, but both carried forward his plan, and helped in the completion of that monarchical system which was to endure for centuries. Especially of Philip the Fair, in the closing years of the thirteenth and the opening years of the fourteenth century, it may be said that he continued the wise judicial reforms of St. Louis. During his reign the judicial functions of the Supreme Council were separated from the political and financial business, and confided alone to Parliament, whose sittings were now permanently fixed at Paris.

But, notwithstanding the importance of the definite establishment of the Supreme Court, from henceforth known as the Parliament of Paris, perhaps the greatest event of the reign of Philip the Fair, and that which did more than anything else to break the power of feudalism and to destroy aristocratic rule, was the convocation of the States-General, the first meeting of which was in 1302. This, more clearly than anything else of that period, shows not only the growth of royalty, but also the increased importance in Government attained by the people. Evidently the king had come to rely on them for support rather than on the nobility. We are not bound to give Philip the Fair credit for any great desire to advance the interests of the common people by his admission of deputies into the States-General, except in so far as he could

use them to advance royalty and overcome the power of the pope, with whom he was contending; but the recognition of the Third Estate in the first meeting of this new department of Government is the strongest certificate which royalty could offer that manhood was on the upward tendency, and that the forces which had relieved the king from thralldom to the nobles had also made it impossible for the serf and the villain to be the permanent condition of those whose ancestors were Franks, or *freemen*.

When his authority is compared with that of the founder of his line two centuries before him, Philip the Fair may be said to have been a real king. Still the feudal claim of the barons' exclusive right of taxation within their own fiefs had not been destroyed, nor had all of the other feudal prerogatives been surrendered. But during his reign Philip was constantly asserting, and, by purchase or encroachment, was steadily gaining the right to tax throughout the kingdom, and to legislate, without the consent of the barons, on a great variety of subjects. The constant pressure of the royal authority during the whole of the thirteenth century, while it had not destroyed feudalism, had so undermined its authority that the opening of the fourteenth century found it a dying institution—one which was not to die easily, and yet one which was no longer a formidable enemy of Government.

The three sons of Philip IV who successively succeeded him—Louis X, Philip V, and Charles IV—were weak and inefficient princes, and their reigns were without significance. Philip VI was brave, fond of the tournament and show, and to a lack of executive ability was coupled a tendency towards despotism. John II, called the Good, won his appellation only by bestowing gifts on his favorites. Naturally gay, he was free in squandering the kingdom's riches. With even less ability than his father,

Philip VI, he was more vain and headstrong. At the opening of his reign he was in such financial straits that he sought relief in debasing the coin of the realm and confiscating the goods of foreign merchants. Being compelled by his necessities to convoke the States-General, he promised them a sound currency and a reform in Government, for which he obtained a vote of a liberal supply. The strength of the crown is indicated by the fact that under so great provocation no attempt was made at a revolution or at abridging royal prerogatives. A bolder stand was taken by the States-General after John had been taken prisoner by the English and the regency was in the hands of the dauphin. But the sweeping demands for reform in Government made by them on that occasion led to a contest in which no credit attached to either party. Perhaps the Jacquerie—the war of the Jacks—resulted from this contest. From the position assumed by the various meetings of the States-General held during this reign it is evident it had a marked power in the Government. Charles V had self-control, was careful, patient, persistent, industrious, without care for show or noise. He obtained a knowledge of his kingdom by personal inspection or investigation, and from knowledge thus obtained was able to govern wisely and well.

Charles VI was incapacitated, through weakness and insanity during most of his reign, from taking any controlling part in Government. Personal encounters and party feuds of the most intense character prevailed, and were, perhaps, more damaging to the interests of the kingdom in general than to the cause of royalty, although no new power was likely to be gained by the crown under such circumstances. The minority and lack of ambition on the part of Charles VII, during the opening years of his reign, made that period one of no credit to him nor

service to his kingdom. Had it not been for what others did in his behalf, he would probably have lost the whole inheritance of his ancestors. But the career of Joan of Arc rendered brilliant and memorable a period which otherwise would have been one of national disgrace. The latter part of the reign of Charles VII was characterized by vigor and an intelligent exercise of royal power, but was darkened by his ingratitude and lack of interest in the welfare of those who had been the salvation of his kingdom.

At the close of the English and French wars in the middle of the fifteenth century, France found herself with well-established new features of Government. The royal authority and supreme jurisdiction of Parliament over the whole kingdom were almost invariably recognized. There was still some insubordination on the part of the great nobility as remains of feudal policy and on account of lax administration. But the people were much more inclined to trust the king than the malcontented princes and rich nobles. The country was pillaged by bands of military ruffians, remnants of disbanded armies, and it was for the purpose of suppressing these and giving the kingdom protection that Charles VII organized some nine thousand soldiers into a permanent national force. This was the commencement of the French standing army, and the first of that species of force in all Europe, with the exception of a body-guard to some of the rulers. The inauguration of the system of a standing army by Charles VII proved to be one of the most powerful adjuncts to royal authority that had ever been gained by the crown. From the opening of his reign, Charles VII was inclined to ignore the States-General and, when necessary, appeal to the Provincial States for a sanction of his measures for raising revenue. But more and more he was asserting his right

to levy taxes without consulting either the States-General or the Provincial States. The devastating wars with England which prevailed during the fourteenth and to the middle of the fifteenth century did more, perhaps, than anything else to unite all classes of the French people into one nation, but it also resulted in the establishment of absolutism in Government. Before the close of the fifteenth century the king had not only overcome feudalism, but had made himself master of governmental forces, and independent of the States-General.

Louis XI was laborious and vigilant in business, affable to inferiors, had a contempt for pomp, and was acquainted with all men of ability, who were drawn into his service by a liberal bounty. Louis may well be called the originator of diplomacy; not a diplomacy of the highest order, still an attempt at substituting intellectual for physical force, which latter had theretofore been almost wholly relied on to secure the results aimed at. He was the first ruler in Europe to win by intrigue, dissimulation, and treachery. With him there was nothing that was not legitimate if it advanced the interests of the crown. He organized the militia of Paris and other large towns, established the institution of national guards, more than doubled the standing army, and at the same time increased the *taille* in a like ratio, commenced the pernicious practice of employing mercenary troops, succeeded in completely breaking the power of the great nobles and the princes of the blood, and at the same time was liberal in granting municipal charters and strengthening the growth of popular rights. For the first time in its history France was a great centralized power. To accomplish his ends, Louis used address, persuasion, cunning, and deceit, more than force. It was the substitution of intellectual for material means in Government. It was a new system of tactics. The Gov-

ernment of Louis XI was an absolute monarchy, a systematic despotism.

There could scarcely be a greater contrast in rulers than between Louis XI and his successor, Charles VIII. The former looked only for results, the latter was concerned principally for show. Charles was ambitious to be known as a foreign conqueror. The attention he gave to this matter, and the trouble he had over his finances occupied his time and kept him from troubling his people at home as much as he otherwise might have done. His limited capacity and the constant need of help in which he found himself compelled him, to a considerable extent, to trust his people.

Louis XII was a wise and careful ruler, so far as his home Government was concerned; but neither glory nor power was added to the crown by reason of his foreign wars.

The sixteenth century was mainly given up to religious wars. Francis I, Henry II, Charles IX, Henry III, and Henry IV, each had to meet the problems raised by the Protestant Reformation and the persecution which Romanism directed against those who questioned her authority. In France a great variety of views were entertained on these subjects, and the nation was in almost constant agitation over some phase of this movement. On account of the internal struggle, the royal power was weakened. The strength of royalty was exhausted with that of the country. Henry IV, the first of the Bourbons, and one of the greatest of French monarchs, pursued a course which, while it can not be defended as entirely consistent, was, on the whole, wise and prudent. By the Edict of Nantes he hoped to have put an end to a protracted struggle in a way that would be alike fair and honorable to all parties. With the reign of Henry IV the growth of the royal power made a

new start, which was to acknowledge no abatement till it was washed out in blood two centuries later.

The one object of Louis XIII, or rather of his minister Richelieu, was to humble Austria, and this he accomplished to his satisfaction. This reign was also important for the vigor with which it enforced the authority of the crown throughout the whole realm, and brought all classes to acknowledge obedience to the royal will. At the death of Louis XIII the crown was one of the most absolute in all the existing Governments, and France could, perhaps, be ranked as the leading nation in Europe.

The reign of Louis XIV opened a new era, not only in France, but in European history. In the early development of Western Europe wars were usually popular movements, often undertaken without any particular object in view. Later in its development the ambition of rulers and the desire for conquest led to more distant wars, and to these ambitious pretensions may be attributed the introduction of standing armies into the governmental policy of all European nations. Such were, in a large measure, the Italian wars of Charles VIII of France, the African wars of Charles V of Germany, and the Russian wars of Charles XII of Sweden. But with the reign of Louis XIV we find a fully organized and developed Government engaging in war with the sole object of extending its boundaries and consolidating its territory. To obtain a natural boundary for his kingdom, to include under its jurisdiction a province speaking its language, to obtain a point which would form a defensive obstruction against a neighboring Power, was, in his estimation, a sufficient cause for a bloody and expensive war. Diplomacy now became a science and was systematically used, along with physical force, to bring about great alliances and results of a desirable nature. Both were dic-

tated by fixed principles and aimed at definite ends. Before this, Louis IX and Cardinal Richelieu had deceived, the cardinals and Church dignitaries had intrigued; but not till the reign of Louis XIV had diplomacy, in its higher meaning, been used as a political power and for governmental ends. Prior to this it was shortsighted and used only for the present; but now it became a consistent system and was operated towards great aims. The balance of power had long been a growing idea in national cabinets, but not till this reign did it become the controlling object in European politics.

Perhaps not inappropriately has this been called the golden age of French history. It is not the purpose of this work to describe the industrial, commercial, literary, and artistic features of the people, except as they especially bear on the Government; not to dwell upon wars and conquests except as they have the same tendency. But the student of history will study with interest all of these subjects in this illustrious reign. It is not foreign to my purpose to state that, in the great wars of this period, nearly all the European Powers were engaged either on the side of Louis XIV fighting for absolutism in Government, or with William III fighting for the establishment of civil and religious liberty and the independence of States.

The reign of Louis XIV, unprecedentedly long in French history, covered a period of seventy-two years, eighteen of which were under guardianship and with the advice of a prime minister, but the last fifty-four of which were without restraint, the king being his own minister and directing every movement of his Government by his own absolute will. Never, outside of Eastern despotism, has there been a more complete exhibition of the exercise of absolute power by any individual. When Mazarin died

and the ministers came to Louis to inquire to whom they now should report he promptly replied, "To myself." It was no fiction, but the simple statement of a truth which no one could deny when he said, "I am France." To this point had royalty now attained. The Legislature was abolished, the judiciary was silenced, the executive was the whole Government. What more could absolutism desire than to be able to say, "I am France?"

The moral life of Louis XV during his earlier years is, perhaps, the only bright spot in his reign, and, under the influence of the courtiers who filled his licentious court, this period was brief. When history has recorded that in the middle of the eighteenth century, in a Christian nation, a monarch who is designated as His Most Christian Majesty, in addition to being controlled in his State policy by a series of female beauties whom a submissive people have condescended to refer to as the king's mistresses, keeps a harem and spends a portion of each day in giving religious instruction to the young girls whose virtue he has sacrificed to his inordinate passions, who will care to listen to his views on civil liberty or to know what opinions he may have promulgated respecting the rules that should obtain between a ruler and his people?

The life and character of Louis XV are summed up in a little incident that occurred at his death-bed. A few moments before his death he authorized the attending cardinal to announce that "His Majesty repents of any subjects of scandal he may have given, and purposes, by the strength of Heaven assisting him, to avoid the like for the future."

On hearing this, a Jesuit father who stood by remarked to those who stood outside, awaiting news of the king's condition, that "The king had made the *amende honorable* to God." A king who had but a few minutes to

live, looking over a life of moral corruption, is ready to declare his purpose, with Heaven's assistance, to avoid such conduct in the future. If this is not the "*amende honorable* to God," what could be? With royalty come to this, we scarcely need be surprised at the events next to succeed.

PERIOD OF THE REVOLUTION.

The despotism of Louis XIV, which could be but partially maintained under the reign of the profligate Louis XV, became unbearable under Louis XVI. The spirit of the nation had begun to revive. The various orders now commenced to contend for the exercise of some function in the body politic. Louis XVI lacked the ability and positiveness of character to enable him to exercise the absolute power of Louis XIV, and he was free from the vices that made the reign of Louis XV detestable. With a love for his people and his country, he was unable to understand the needs of either. Had he been able to discover the real wants of his Government he never would have been unable to refuse his family and friends the exercise of those indulgences which were proving the ruin of the kingdom. If it had been possible for him to have conducted his Government without money, the king might possibly have escaped the storm which he now had to face.

Repeated changes of ministry occurred dictated by different aristocratic and court factions; at last, listening to the voice of the people, Louis XVI recalled Necker to the administration. Having against him the whole parliamentary and court party, and being led by his vanity into undertaking certain measures which he ought never to have attempted, in spite of his honesty of purpose and financial ability Necker failed to meet the public expectations, and was dismissed. But after two years of failure

on the part of those who succeeded him, he was again recalled as the only one who seemed likely to bring any relief to the treasury or to inspire any confidence in the Government.

About the only result which these contests made apparent was the utter incapacity of all departments of the Government to rise to the emergency of the occasion and offer any adequate relief.

From a very early day one of the prerogatives of the crown had been the power of banishing any subject by *lettre de cachet*—letter of the seal—without assigning any reason or being answerable to any one therefor. This prerogative the king now exercised, and a number of influential nobles, including the Duke of Orleans, were sent out of the country. The Parliament attempted to take from the crown this ancient prerogative, which still further intensified the differences. It now became the purpose of the Government to destroy the political power of the Parliament. To save themselves, Parliament at once entered upon a revision and re-enactment of the fundamental laws of the kingdom. Both the Parliament and the court were endeavoring each to gain an advantage over the other.

The king, despairing of help from his courtiers, appealed to an ancient expedient, which had not been invoked since the days of Richelieu in 1626, and, in 1787, convoked an Assembly of the notables. One hundred and thirty-seven of the nobility were present in this Assembly, presided over in their seven different bodies or committees by seven princes of royal blood. This Assembly finally consented to an imposition of taxes to which their order had never before been subjected, and also relieved the villains from some of the gravest of the feudal burdens with which they were oppressed. A contest ensued in

Parliament over the registration of the edicts for taxation to which the nobles had consented, and each official faction seemed to be seeking its own interest rather than the relief of the public necessities. Neither the king nor either of his ministers was strong enough to control the elements, or even intelligently to direct their movements. Early in November, 1788, some eighteen months after their former meeting, the notables—the same one hundred and forty-four, one hundred and thirty-seven nobles and seven princes of the blood—were again called together. After a little more than a month's deliberation, and having given proof of their incapacity to solve the existing problems, they were dismissed, never again to reassemble. These matters are stated, not for the purpose of recording the history of this period, but only to indicate the trend events were taking and the deep hostility that existed between classes.

During the debate that had taken place in Parliament over registering the edicts and calling on the Government for a statement of the expenses, a member remarked that it was not a statement but the States-General that was wanted. The idea seemed to have come as if by inspiration, and before long each faction pressed the measure as an act of revelation for the relief of the Government from an unlooked-for source. But still the contest among the aristocratic factions for personal gain led to a fierce dispute over the composition of this ancient body, which it had been decided to assemble.

The people had just begun to wake up to the fact of their own importance, and to realize that they were to have a substantial part in settling the destinies of the kingdom. The several classes, which never before had occasion to mingle, now found their interests calling them

into close and conscious association. The nation was coming to realize the fact of its own existence.

At this critical juncture, if there had been on the throne a ruler of men, having at heart the good of the people, willing to sacrifice not only his personal but his family and court interests as well, in order to save the country, the world might have been spared the bloody tragedy of the French Revolution. But, alas! Louis XVI occupied the throne where once sat Philip Augustus, St. Louis, and Henry IV. The times called for a ruler with the ability, the courage, and the virtue of Marcus Aurelius; they found one with the good nature, inoffensiveness, subserviency to friends and class interests, and incapacity to comprehend the critical situation in which the Government was placed, which characterized Charles I, of England.

The time for the assembling of the States-General at last arrived. For a period of more than two centuries in the earlier history of the kingdom this body alone had the authority to levy taxes, and was the only efficient obstruction to royal despotism. But the bold usurpations of Richelieu and those who had succeeded his royal servant, Louis XIII, had been so successful as to enable the crown to disregard every other power in the State, and for one hundred and seventy-five years this ancient and honored department of Government had not been convoked. But now, when the crown, with its usurped power, and the aristocracy, enjoying extensive privileges and exempt from the burdens of Government, found themselves in possession of a bankrupt treasury, and facing a people distracted by its poverty and disheartened by its hardships, they were compelled to call to their assistance the representatives of the people whom they despised and whose

rights they had trodden under foot. But, after all, from the course pursued by the court party, it seemed that the people had been called together to consent to burdens the king might desire to impose rather than to consult as to remedies to be applied to relieve the national troubles.

The States-General met May 5, 1789. More than a month was occupied in a contest between the commons and nobility over points which really involved the question whether the commons should be an independent force or only a body of serfs subservient to the will of the nobility. Almost a month and a half passed with no result arrived at, when, at last, the commons, independent of the clergy and nobility, but with an invitation to both of these orders to join them whenever they chose, resolved themselves into a National Assembly. By this act the French Constitution was radically changed, a new force was introduced into the Government, and the first step in the Revolution was taken.

Here, as in respect to other matters, I do not give details of historical events which properly belong to general history, but which can be of no help in developing the Constitutional history of the country. The work of the Revolutionary party, the fate of the royal family, and hundreds of other important historical events, are left to be furnished by general histories written for that purpose.

The first written Constitution possessed by the French people was given them in September, 1791, by the National or Constituent Assembly. The work of preparing a Constitution was entered on by the Assembly immediately after its organization in 1789, and progressed during the time between this and its approval by the king and promulgation in 1791. Among the things declared by the Assembly which entered into the Constitution were the hereditary character of the crown in the male line of

the reigning house of Bourbon; the inviolability of the king's person; the perpetual existence of the States-General, or National Assembly, as the legislative body of the kingdom; the limited and provisional veto by the king; the abolition of titles of nobility and the equality of all persons before the law; the abolition of feudalism, with its oppressive incidents; the right of the State to the possessions of the clergy; a reformed elective judiciary; the abandonment of the old provincial divisions of the kingdom, and in their place the establishment of departments, districts, municipalities or communes, with right in them of representation, and with local government consisting of a deliberative and an executive Council elected by the people.

The Constituent Assembly, having revolutionized the Government, declared the nation rather than royalty supreme, and given the people a written Constitution, had finished its labors, and, in October, 1791, was succeeded by the Legislative Assembly, with its commission of authority fresh from the people. New questions of the greatest importance were arising. The authority of the clubs was superseding that of the communes, and was almost rivaling that of the Assembly itself. The nobility had emigrated, and in foreign territory were seeking to exercise the authority they were not allowed to possess at home. A war with foreign Governments, which had been threatened, was now actually in progress. The contest between royalty and the Legislative Assembly was renewed. Finally, in August, 1792, the Assembly provisionally suspended the power of royalty, and submitted the matter for further determination to the people. Before the Legislative Assembly gave up its authority had occurred the first of those bloody horrors which were to sicken the civilized world, the September massacres.

The National Convention, which had been called by the Legislative Assembly, convened September 20, 1792, and on the first day did nothing but organize. On the following day, among its first acts, it unanimously decreed the abolition of royalty. This was followed on the next day by a decree establishing a new era, and directing that thereafter their documents should be dated from the first year of the Republic, commencing September 22, 1792. Whatever distinction between citizens had been left by former legislation was now absolutely abolished, and no requirement for voting, except proper age, any longer existed. The king, already in confinement, was now tried, condemned, and executed. Still the horrors of the Revolution had only just commenced; they need not be repeated here.

Amid the contest of factions at home and the anxiety and excitement caused by the war with foreign nations, the National Convention framed, and, in June, 1793, submitted to the country for adoption, a new Constitution. It was simple in construction, brief in form, and exceedingly democratic in spirit. The commune was left untouched as the supreme local power. One deputy for every fifty thousand inhabitants was to be elected by universal suffrage as member of the Assembly, which was to be renewed every year. The Assembly thus formed was given almost absolute power, subject to protest against its encroachments by the Primary Assemblies, which were to meet on the first of May as matter of right, without being convoked. The executive power of the Government was to be exercised by a Council of twenty-four members, elected by the Assembly from candidates proposed by the electors appointed by the Primary Assemblies.

Deputies from the Primary Assemblies met in Paris

in August, and, by a very large majority, adopted the Constitution. For reasons which need not be here discussed, no further action was taken by the Convention towards putting this Constitution in operation for nearly two years, during which time the Convention exercised dictatorial powers in carrying on the Government. Finally, in March, 1795, a petition from one of the Paris communes was presented to the Convention, demanding that the Constitution of 1793 be given effect. At the conclusion of an animated discussion, this proposition was voted down; after which a commission of eleven members was appointed to prepare and report on organic laws to submit with the Constitution. This action was taken in order to relieve the Convention from the embarrassing position of refusing to act on a Constitution which had been adopted by a vote of the nation.

Nearly all felt that the Constitution of 1793 was too incomplete to answer the purposes of Government, and that a revision was a necessity, and it was so ordered. The commission thus appointed was engaged in its work for some months, and the matter was then for some time discussed in the Convention. It was not a revision, but an entirely new instrument, which the commission presented, and which, in the latter part of August, 1795, the Convention adopted.

Instead of but one House, of which the Assemblies had so far been composed, this Constitution provided for two,—the Council of Ancients, to contain two hundred and fifty members; and the Council of the Five Hundred. The latter House had the exclusive right of proposing laws, while the former was given the power of assenting or refusing to sanction the same. Universal suffrage was conferred on all over twenty-one years of age, and they were given the right to meet on a designated day in Pri-

mary Assemblies and select Electoral Assemblies, which were thereafter to meet and choose the two Councils. The executive power was placed in the hands of a Directory of five members, to be chosen by the two Councils. An elective judiciary, comprising a series of courts, was also provided for. Small Boards for municipal and departmental administration were to be elected, but Communal Assemblies were not recognized. Popular societies for the discussion of public measures were prohibited. A free press was guaranteed, and all religions were tolerated.

This Constitution was submitted to a popular vote, including a vote of the army, in September, 1795, and was adopted almost unanimously. This was followed by a formidable revolt by the disaffected Revolutionists of Paris, which was put down by the army under the command of Napoleon. The National Convention, which, for three years, had ruled France with no limitation on its authority, dissolved, October 26, 1795, and on the following day the new Constitution went into effect. The new deliberative bodies—the Council of the Ancients and the Council of the Five Hundred assumed the duties of Government, in conjunction with a Directory of Five by them elected.

THE CONSULATE.

It was under the Government of the Directory that Napoleon, who had been given command of the army of Italy, began that active career, the success of which intoxicated him, and the nation as well, and led to the change from a Democracy established by the Revolution, to an Empire resting on conquest and supported by military force. From his victorious Italian campaign Napoleon transferred a portion of his veterans to Egypt,

where triumphs of a different character, but scarcely less illustrious, awaited him. From this field of hardship and glory he returned to Paris in the middle of October, 1799. The nation was full of distrust, anxiety, discontent. The Government of the Directory had been weak, and the feeling that some kind of a change must take place was general. Napoleon's keen perception at once detected the difficulty, and saw a remedy. He judged this was a time when the strong hand of the military was needed to bring order out of chaos, and he undertook the work of revolution. A few leading men joined him in the conspiracy.

On November 9, 1799, a decree of the Ancients was procured, transferring the legislative sittings from Paris to Saint Cloud, and the appointment of Napoleon as commander of the troops assigned for their protection. On assembling at Saint Cloud the next day the conspirators were unable to secure the passive co-operation of the Council of Five Hundred, as they had expected, and, to prevent a miscarriage of their plans, Napoleon dispersed that body with his troops. A few of the subservient members of the Council were then assembled, who passed a decree adjourning the Legislative Councils for three months, appointed two commissions of twenty-five members each, chosen from the two Councils, to sit during the recess and act on such measures as should be proposed to them by the Government, and named three consuls who should conduct the Government, prepare a Constitution, and preserve the peace. The Directory had been forced to resign, and to the consuls thus appointed, Napoleon being at their head, were given dictatorial powers for at least three months. Thus was the Constitution of 1795, after a trial of four years, entirely subverted, and a Government of unlimited power established.

The work of framing a new Constitution was, by the

consuls, principally confided to Sieyes. He was a philosopher, and proposed a Constitution based on philosophical principles rather than one drawn from the experience and needs of the people. Citizens were defined to be those persons born in France, residing in the Republic, twenty-one years of age, who had caused their names to be enrolled on the register of citizens in the proper communal district. Several siftings of these citizens were to be had by their own action in order to obtain a list from which the national officers were to be selected.

There was to be a Senate, a Council of State, a Legislative Body, and a Tribunate, and three consuls. The Council of State was to prepare laws and present them to the Tribunate. This body discussed them, and decided by vote, whether they would favor or oppose their passage; they were then transmitted to the Legislative Body, where a committee of three from the Council of State and a like committee from the Tribunate appeared and discussed them. When this was finished, the Legislative Body, without taking any part in the discussion, voted on them in silence; if they were adopted, the first consul was to promulgate them. So no new law could be enacted without the approval of the first consul. The Senate had the power to annul any law which it deemed unconstitutional.

The Senate was given authority to constitute itself by the appointment of its own members and to fill all vacancies that might occur. But, at first, one more than half the number of which the Senate was to be composed were named by a committee of the Provisional Government, and this majority was to name the other members of that body. The Senate, in addition to perpetuating itself, was given the appointment of the members of the Tribunate and the Legislative Body, all to be selected

from the proper class of electors named by the people. The Council of State was to be appointed by the consuls. The first consul was given general executive power, including the nomination of most of the general and provincial officers. This Constitution was adopted by the Provisional Government on December 13, 1799, and was at once submitted to the people for ratification. The first meeting of the Legislative Body under the Constitution was on January 1, 1800.

In August, 1802, Napoleon was made first consul for life, and immediately thereafter, by an *organic senatus consultum*, the Constitution was materially modified in several respects, adapting it even more fully than it had been to the conditions of an absolute Government.

In April, 1804, the civil code which had been in preparation for several years was completed. After the establishment of the Empire, by direction of the emperor, it was designated the Napoleon Code:

THE EMPIRE.

The feeling in favor of the establishment of an Empire now began to be expressed. It was suggested in a letter by one of the leading generals; it was talked of by the populace; several cities adopted addresses requesting it; it was proposed and discussed in the Tribunate. Finally, on May 18, 1804, the Senate adopted another *senatus consultum*, establishing the Empire and making it hereditary in Napoleon.

This decree was submitted to the people for their ratification. On November 16, 1804, the Senate announced the result of the popular vote, showing the adoption of the proposition by an almost unanimous vote, and thereupon proclaimed the Empire. The Constitution, modified by this *senatus consultum*, was now adapted to a complete

Imperial Government. The glory of the Empire and emperor advanced, culminated, and then, like an overcharged balloon, burst and came to the earth, leaving its wreckage from the Nieman to the Ebro. The abdication of Napoleon and his confinement on Elba was no more of a catastrophe than his ambitious scheme made inevitable.

THE BOURBONS RESTORED.

In April, 1814, the Senate and Legislative Body adopted a Constitution which Louis XVIII was to be required to accept before being admitted to rule. But the representative of the Bourbons, in the person of the brother of the king, entered Paris with the allied armies, and the only promise made to the Provisional Government was that the plan of the Constitution was accepted, and would be carried out by the Government.

Louis XVIII entered Paris on May 3, 1814, and a month later the Constitution was prepared, and, on June 4, 1814, presented to the Senate and Legislative Corps. Louis was careful to have it appear that this instrument was his gift to the people, and in no sense a contract between him and his subjects. He styled it a Constitutional Charter, and dated it as of the nineteenth year of his reign. It contained no hint that he had been called to the throne by the French people. In the main the charter contained the provisions of the Constitution prepared by the Senate. It declared the equality of all Frenchmen, with individual liberty; recognized Romanism as the State religion, but gave right to all parties to exercise their own preference in religious worship; provided for a responsible ministry, a free press under proper legal restraints, and the inviolability of property. The article giving the king the right to regulate the execution of the laws "for the safety of the State" furnished a cloak for the exercise

of absolute power. Instead of a Senate, there was to be a Chamber of Peers, unlimited in number, appointed by the king for life, with the hereditary character attached to the position. A second body was provided for, called the Chamber of Deputies, the members of which were to be elected by an indirect vote of the people. The concurrence of both of these bodies was required for the passage of a law. Laws were to be proposed by the king, but the two Chambers, by a united voice, might petition him to submit such laws as they desired. The king had the right to veto as well as to propose laws. The king alone could convene the Chambers, and this was to be done once a year; he might also dissolve them; but in that event he must summons new members within three months.

THE HUNDRED DAYS.

Napoleon spent less than a year on Elba. On March 1, 1815, he landed at Cannes with a handful of his old guard, and on the 20th of the same month he was carried into the Tuileries by his devoted followers, amid the tears and the shouts of the multitude. This was one of the most memorable achievements ever recorded of a human being. In a few hours the Imperial Government was restored, the whole army was back in the service of the emperor, and the most formidable preparations were made for the protection of France. But the almost superhuman efforts required for carrying out these vast enterprises did not prevent Napoleon giving consideration to the wishes of the people for proper safeguards securing their political freedom. Napoleon selected a party who had been one of his most bitter opponents, Benjamin Constant, to whom he confided the task of preparing Constitutional guarantees. Napoleon did not wish it to appear that the past had been swept away, and so, instead of calling the work

a Constitution, he insisted on retaining the old Imperial Constitution as a basis, and styled this "an additional act." But it was virtually a new Constitution, and, probably, the best France had ever enjoyed. It was adopted by the Council of State, April 21, 1815, published two days later, and then submitted to the public for approval. On the last of May the vote was canvassed and announced by deputations from the Electoral Colleges, who, to the number of some five hundred, had assembled in Paris for that purpose.

Of course all executive power was, by this additional act, conferred on the emperor, while legislative responsibility was divided between the emperor and the two Houses,—the Chamber of Peers, membership in which was hereditary, the first members to be appointed by the emperor; and the Chamber of Deputies, to be elected by the people. The budget was to originate with the deputies, and to be voted every year. The ministers were responsible to the Chamber of Deputies, by whom they might be impeached. Personal liberty was guaranteed to all citizens, and any right of banishment or imprisonment without trial was denied. A free press, right to petition the Government, and freedom of religious worship were secured.

This Constitution, as well as the authority which had proclaimed it, was of short duration. Its history is recorded in one word—"Waterloo."

THOSE "WHO FORGOT NOTHING AND LEARNED NOTHING" RESTORED.

On July 3, 1815, a committee from the Executive Commission, then in charge of the Government, agreed with the conquering generals on the terms of capitulation whereby the control of Paris was surrendered to the allied

armies. There was nothing to be done by the people of France but again to receive the Bourbons, for the allies would hear to nothing else. While the remnants of the Government that had been in power realized this, they sought to obtain additional guarantees for popular liberty. On behalf of Louis XVIII it was promised to renew the Constitutional Charter granted the year before; to concede the freedom of the press, which had been annulled since the granting of the charter; the calling together of a new Chamber of Deputies, with a right, on its part, of initiative in legislation; and an hereditary Chamber of Peers. Nothing further could be gained, and, on July 8, 1815, Louis XVIII again entered Paris as King of France.

I shall not attempt to give any account of the vacillating reign of this restored monarch, nor to account for the action of the French people. But it is not strange that a people who had passed through so many changes as had taken place since 1789, could not be reconciled to the exercise of despotic authority by those who wielded power under such an incompetent king.

On the death of Louis XVIII, in 1824, his younger brother ascended the throne as Charles X. His desire for absolute power was stronger than had been that of his brother Louis, and his rule made a conflict with the people inevitable. A censorship of the press was established, the number of deputies was reduced, and other acts having a like tendency towards depriving the people of their rights were promulgated. A revolt broke out in July, 1830, which compelled Charles X to abdicate. Hoping to retain the crown in his family, he not only surrendered his own, but also, so far as he could, his son's right, and requested the nation to recognize his grandson as Henry V. In the meantime the Duke of Orleans had been appointed lieutenant-general of the kingdom; he convoked

a meeting of the two Chambers. The throne was declared vacant, and the Duke of Orleans was elected as the successor of Charles X; he ascended the throne under the title of Louis Philippe. The charter of 1814, with a few slight modifications, was taken as the basis of Government. The principal modifications were as follows: Romanism ceased to be the State religion, and was simply recognized along with other Christian forms of worship; the censorship of the press was never to be renewed; the provision of the old charter, allowing the king to execute the laws "for the safety of the State," was omitted; the king and each of the two Chambers had the right to initiate legislation; neither Chamber was to be convoked without the other; the sessions of both Chambers were to be public; some changes were made in reference to the election and qualification of deputies; the ministers were to be absolutely responsible to the Chambers. The charter of 1814, thus modified, became the Constitution, sworn to by Louis Philippe, and promulgated August 14, 1830.

Subsequently the hereditary peerage was abolished. Still the authority of the court was constantly increasing, while the privileges of the people were gradually disappearing. Official position and wealth were the chief powers in the State.

THE PERIOD OF LOUIS NAPOLEON.

Under the imposture and chicanery of Louis Philippe the spirit of liberty, which had time and again been repressed, but could not be extinguished, was rekindled, and at the opening of 1848 burst out anew. In 1830, after it was too late, Charles X would have granted most, if not all, the people were demanding; and in 1848 Louis Philippe would have done the same. But the spirit of resistance had broken out, and would not be satisfied with

the promises of a king who the people had come to know could not be trusted. On February 24, 1848, Louis Philippe abdicated in favor of his son; but the people proclaimed a Provisional Government, and, on February 26th, this Provisional Government issued a decree abolishing royalty and proclaiming a Republic. Thus after a reign, with some interruptions, of more than eight hundred and fifty years, the Capetian dynasty was forever driven from the throne of France.

Several reforms in Government were at once introduced, and a Constituent Assembly was called, to be elected by universal suffrage. The Convention met May 4, 1848, and at once assumed the Government of the country, which was turned over to it by the Provisional Government. The Convention proceeded with the formation of a Constitution, which was adopted, with but a nominal vote in the negative, on November 4, 1848. Many of its provisions were not dissimilar to those which had appeared in prior Constitutions, and many others were glittering generalities which an artful executive would find little difficulty in avoiding. Sovereignty was decreed to be in the body of the citizens; the rights of individuals in their person and property, and their relation to the Government, were declared and defined; but one Legislative Assembly was provided for, and its members were to be elected by direct universal suffrage; the executive power was confided to a President, to be elected by the people for four years, and to be ineligible for re-election; on this President was conferred almost sovereign power; both the President and Ministry were declared responsible for their official acts; a Council of State was to be elected by the Assembly; provision was made for local self-administration.

Under this Constitution, Louis Napoleon was elected

President. His intrigues for the attainment of supreme power commenced at once. The division of the Assembly into cliques, each scheming for the restoration of some deposed faction, was favorable to his plans. In December, 1851, President Napoleon usurped authority, deposed the Assembly, appealed to the people, was granted a lease of almost unlimited power for a term of ten years. This vote he interpreted as a grant of sovereign power, and, on January 14, 1852, he granted to, instead of received from, the people a new Constitution, based on the old Consular Constitution of 1799. The President was declared to possess practically monarchical powers. A Senate was established composed of cardinals, marshals, and admirals, together with such other members as the President might designate, which was to be the guardian of the fundamental compact and public liberty, and no law could be promulgated which had not first been presented to it. In addition to this, the Senate was given about the same powers as had been possessed by the Consular Senate, and that of the First Empire. The Legislature consisted of one body, elected by universal suffrage, whose presiding officer was to be selected from its own members by the President of the Republic. The Council of State was appointed by the President, who also had the power to remove any of its members. The Council proposed laws, and appointed some of its members to support Government measures before the Assembly.

The Ministry were responsible to the Executive alone, in whose name all departments of the Government were to be conducted. The President was declared to be responsible to the people; but there was no provision in the Constitution for testing this responsibility, and nothing short of a revolution could make the provision effective.

By decrees of the President, made subsequent to the

granting of the Constitution and before the meeting of the Assembly, and which were considered as a part of the fundamental law, the press was made subject to the will of the President, objectionable citizens were to be transported without trial, and the right of the President to grant titles of nobility was re-enacted.

A subservient people readily carried out the President's plan, and paved the way for the regular establishment of the Empire. On November 7, 1852, the Senate enacted, with but one negative vote, a *senatus consultum* providing for the establishment of the Empire, with the crown hereditary in the family of Louis Napoleon Bonaparte, and such heirs as he might adopt. The Constitution of January 14, 1852, with the modifications incident to the changes in Government now made, was continued in force. The popular vote on this plebiscite, which the President had ordered to be taken, was declared on December 1, 1852, from which it appeared that the people had deliberately renounced sovereignty, and confided their political rights to the keeping of one man. The next day the Empire was publicly proclaimed. Modifications of the Constitution of 1852 were made from time to time by means of *senatus-consulte*, to make it more nearly conform to the imperial will.

The most cruel measures were resorted to in order to repress all appearance of liberal principles and to make the authority of the emperor absolute. But, notwithstanding these exhibitions of despotic power, popular uprisings and assertions of individual rights were constantly evincing the fact that the spirit of the Revolution was not entirely dead. Popular feeling against the Empire continued to increase, and only needed a favorable opportunity for its expression in order to show that individual and public rights could not permanently be trampled on, even by a

Government assuming absolute power. Early in 1870 an attempt was made to bolster up declining royalty by the formation of a liberal Ministry, and the granting of a more liberal Constitution. Another appeal was made to the people, and the plebiscite showed on this, as on previous occasions, that the people were easily deceived. It was now thought by the Government that a fortunate foreign war would indefinitely prolong the imperial reign, and the opportunity which Prussia presented for a conflict was eagerly seized upon as the one thing needed for the acquisition of French glory and the addition of new strength to the Empire.

THE REPUBLIC.

The complete overthrow of the French army in the battle of Sedan, and the surrender of Emperor Napoleon in person to King William, on September 2, 1870, was the signal for the French people to reassert their right of self-government. On September 4th a Provisional Government of Defense was inaugurated by the populace in disregard of all Constitutional authority. This Government took possession of the public offices, issued a decree dissolving the Corps Legislatif, and abolishing the Senate, and proceeded to administer the Government for the defense of the country. The conquests of the Germans proceeded, and resulted in the total defeat of the French forces. An armistice to enable the French to provide a Government authorized to treat for peace was entered into. Elections were held on February 8, 1871, and an Assembly convened at Bordeaux on the 12th of the same month. On the following day it assumed the Government of the country which was surrendered to it by the late Provisional Government. Thiers was elected Chief Ex-

ecutive. On March 1st the Assembly ratified the preliminary treaty of peace with Germany. On the same day the deposition of Napoleon was formally declared. The rule of the Commune for two months was one of the melancholy episodes which occasionally occur, and against which precautionary measures can not be or, at least, are not taken.

In August, 1871, Thiers's title was made President of the French Republic, and his term was extended for three years, with a responsible Ministry. The Assembly was also given constituent power. Various efforts at making the Government permanent, and at forming a Constitution, were attempted; but the strong monarchical elements in the Assembly, and the disagreement among themselves, prevented the measures being carried through for years, and nothing of moment was accomplished till 1875.

In 1875 three organic acts were passed by the Assembly, two in February and one in July, which together are taken as the Constitution of the Republic. Since then several amendments of some importance have been made, but no general revision has been secured, although moves in that direction have been attempted. It has been claimed that prior Constitutions, in so far as they are not inconsistent with that of 1875, are still in force. How far the authorities would adopt this view may not be known in advance. Amendments to the Constitution were made in 1879, 1884, 1885, and 1889; but none was of a character to affect the general working of the Government. The following are the important features of the Constitution of 1875:

The legislative power is vested in the President and two Assemblies. The Senate is composed of three hun-

dred members, one-fourth of whom were, under the original Constitution of 1875, elected by the National Assembly, and three-fourths by an indirect vote of the people. By virtue of an amendment, they are now all elected by the departments and the colonies; they are elected for nine years, one-third retiring every three years. The Chamber of Deputies is elected by direct universal suffrage. The Chamber of Deputies can be dissolved by the President of the Republic with the consent of the Senate; but he must then call a new election within three months. The President and each Chamber is given the privilege of initiation in legislation. The laws are to be promulgated by the President. Sessions of the Chambers are held annually, and must continue at least five months. Provision is made for the President adjourning and convoking the Chambers.

The two Chambers united form the National Assembly, and by this the President of the Republic is elected. His term is seven years, and he is ineligible for re-election. The President is given extensive executive powers, including the command of the army, the appointment of all the officers, the negotiation of treaties, the granting of pardons, and the execution of all laws.

The President is responsible to the Government only for high treason, and for that he is to be tried by the Senate. All executive acts are to be signed by a minister. The Ministry are collectively and individually responsible to the Chambers for their acts. In addition to the trying of all Government officers, the Senate may be constituted a Court of Justice to take cognizance of attempts against the safety of the State. During a vacancy in the office of President, the executive power devolves on the Council

of Ministers. All ministers have a right to appear and debate measures in either Chamber.

Revision of the Constitution is to be conducted by the National Assembly after each Chamber has declared it necessary, or upon demand of the President of the Republic. But this is not to be construed into a right to propose a revision changing the republican form of Government.

GREAT BRITAIN.

THE SAXONS.

INSTANCES are not rare in which invaders, coming on the invitation of some party who claimed to have been wronged, professing to be friends with a desire of healing or putting down a dissension between contending factions, having mastered the difficulty they came to settle, have undertaken to make the disaffected parties live in peace by bringing them all under their own rule. Such was the course of the Saxons, who came to Britain as peacemakers between Britons and Picts.

When, at the close of the fourth century, the Roman legions were withdrawn from Britain, the ancient inhabitants were so powerless, having in a large degree lost independence, energy, and self-reliance under the long rule of the Romans, that they were wholly unable to defend themselves against the Picts and Scots who made frequent marauding excursions into their territory. For a half century the Britons were a prey to these fierce tribes. While the Saxon adventurers, who were to be the permanent possessors of the island, had for some time been represented by piratical boats along the coast, it was not till 449 that they began to come as settlers and conquerors. They were not as unwelcome visitors as they might have been under other circumstances; for at once

they gave assistance to the Britons in driving back their Northern foes. But it was not long till the Saxons entered on a systematic conquest of the island. The struggle was a long and bloody one, and before it closed the Britons were almost entirely exterminated. A few of them passed over into Northwestern Gaul—Armorica—and gave their name to the Province of Brittany, or Bretagne. Others settled in Cornwall and Wales, where their posterity are still to be found. But from the great body of the island they were so completely driven as scarcely to have left a trace of their existence. Of course, some remained to be swallowed up in the development of their conquerors, but not in sufficient numbers to influence the blood of those with whom they were amalgamated.

Before the close of the sixth century the Saxons had founded seven separate kingdoms in the island. These remained separate and independent, and sometimes antagonistic, during the next three hundred years. In 828, Egbert of Wessex succeeded in forming a practical union of the Heptarchy, or, at least, of five of the seven kingdoms.

Of all the nations of German extraction founded by the barbarians within the bounds of the Roman Empire, there was no other one so favorably situated for, and which so well succeeded in, maintaining and perpetuating their ancient institutions, customs, and traditions as the Saxons in England. Roman institutions had never been so firmly planted in Britain as in most of the provinces of the Empire, and it was from Britain that the Roman legions were first recalled. Consequently there was little of Roman civilization to confront the Saxons when they commenced the conquest of the country. While in Gaul and Spain the Roman municipal system had been quite

generally introduced, and where it maintained itself as one of the potent factors in the development of those countries after their invasion by the Visigoths and the Franks, we find nothing of that in Anglo-Saxon history. The German institutions were preserved, to some extent, in Gaul; but of all countries peopled from Germany, in England alone we find the old German National Assemblies maintained in substantially their ancient purity and vigor, holding their sessions annually, in which were perpetuated the ancient spirit of liberty, and which were influential in determining the form and mode of Government. This freedom from influence from all ancient civilizations, both Roman and Grecian, in the development of England, is manifested alike in its history and its literature. Of all modern nations it is least under obligation to an older civilization, and in its growth and development it was least of all corrupted and hindered in its path towards freedom by the demoralizing influences of a worn-out system of Government.

THE DANES.

The Northern pirates, who ravaged the continent from the English Channel to the Ægean Sea, did not leave Britain unmolested. They had for years been sending piratical crafts into English harbors and rivers before any attempt was made to occupy the country. But about 830 the Danes began to come in force and undertook the conquest and government of the islands. For some thirty years, or a little more, there were frequent forays and battles with an apparent desire to secure booty, rather than a permanent occupancy of the country. About 866 the war of conquest commenced in earnest, and in five years all north of the Thames had submitted to their sway.

The difference between this war and that waged by

the Saxons against the Britons lay in the fact that the Danes were of the same blood and language as the English. This made the conflict even more fierce while it lasted, but at the same time it made the union of the contending forces easier when once the fighting was over.

During the reign of Alfred the Saxons maintained their position south of the Thames, and even threatened the Danish supremacy in the north. Most of the tenth century was occupied in war between the two nations, with varying success. But at the opening of the eleventh century England passed under the complete control of the Danes. The rule of the Danish King Canute, extending from 1017 to 1036, was one of the best in all her early history. No fundamental changes took place in the Constitutional Government of the country during the Danish rule. Perhaps the enactment of the Forest Laws, if it be certain that Canute is their author, may be said to have established, or at least asserted anew, the Constitutional principle that all wild game, as well as the forests which the animals inhabited, belonged to the king, and were to be preserved for his benefit and amusement. These laws were the source of a long conflict between the crown and the people, which was not an unmixed evil; for the interest of the people in the subject of controversy was an incentive to them resolutely to assert their rights as against the aggressions of the crown.

Canute's strong rule brought peace, and with it prosperity, to the whole country. His legislation was, in the main, such as the country then needed. And it can hardly be said that English Constitutional law suffered materially on account of the Danish conquest. We may be thankful that Canute's children did not have his virtues, wisdom, and ability; for a perpetuation of the union of the three Scandinavian kingdoms with England, which took place

under his rule, could hardly have produced so good results as have been accomplished by England alone.

The Danish rule in England continued about six years after the death of Canute. The national patriotism asserted itself in 1042 by the recall of the Saxon line of kings in the person of Edward the Confessor, whose reign continued till the year of the Norman conquest.

KINGSHIP.

It is a question how early in German history the idea of kingship was developed and the office of king was established. Certainly royalty was not a prominent feature of Government among the ancient Germans. This feature of their Government was principally developed among them after leaving their ancestral home. In the German forests the tribal relation was so limited and its Government so primitive, there seemed to be no place for a king. But when they migrated to other countries, and there founded new States, the tribal Government had to broaden to meet the requirements of new conditions. Nearly all Germanic nations, at an early period in their history, developed kingship, either hereditary or else with a well-recognized rule that the king should be selected from a certain family. This goes to support the contention of those who assert that the king was an original feature of the German tribe; but it is by no means conclusive proof of the correctness of that theory. Sometimes the real hereditary character of the position was partially concealed under the form of an assumed election by some Council or National Assembly; but in reality, in most of the countries, the crown descended from father to son almost as regularly as it did at a subsequent period when its hereditary character was recognized.

From the slight record we have of German history

we are authorized to believe that, originally, the leader of a warrior band assumed, rather than received, authority. There seems to have been no personal choice; but some adventurous person proposed to go forth to war, and invited those who wished to share in the enterprise to accompany him. He became accustomed to command, and they to obey. This authority would frequently be transferred to his children, and would soon be generally acknowledged. It was natural to advance from a leader of warriors to be the recognized chief in whatever Government was necessary to be organized in connection with the results of the war.

That the chiefs of the first Saxon expeditions which settled in Britain became the recognized kings of the States they founded in some such manner as I have indicated, seems almost certain. That the people whose chief deity was a god of war should desire a descendant of Odin as their chief, is quite natural; and it may be that in various tribes some family of valor gained the distinction of a right to claim such descent. If so, he would all the more readily be accepted as chief. But I am not disposed to attribute to this claim the controlling weight in the choice of a king that is given to it by some authors. The custom of the crown remaining in one family is too common in the founding of monarchies to be accounted for in that way. Undoubtedly the band of freemen, in a sense, chose the king; but that the person in power was almost always chosen indicates that the party himself was no small element in the election. In fact the election, when it took place, was only the recognition of an accomplished fact. A discreet leader would prefer the sanction of those whom he was to rule, and, in all probability, an election, more or less formal, usually took place in securing a king. But an examination of the family connection

of the entire line of Saxon kings after the formation of the heptarchy, from Egbert to Edward the Confessor, extending over a period of more than two hundred years, will show such a regularity in the succession that we can hardly believe the crown to have been purely elective.

But, after all, that the Saxon crown was considered elective seems probable from the course of William the Conqueror. After the battle of Hastings, William did not claim the crown as a matter of right. He had contended that Edward the Confessor had promised him that, upon Edward's death, William should succeed him. But with an elective crown, as was the rule in England at that time, in theory at least, the most that William could claim under such a promise, if one were really made, was that he should stand in the place which a son would regularly have occupied had Edward left a son. And this seems to have been William's idea; for, instead of assuming the title of king at once after his victory, he repaired to London, and there submitted his claim to the crown to a vote of the Witena-gemote, or to such part of it as could there be assembled. It was not till after his election, which all must concede was not a regular one, that William was crowned and assumed the title of king. His title of the Conqueror does not date from this period. It was not till the people had arisen and attempted to throw off his rule that the severity of William's Government was felt; and from this time he was really a conqueror.

LOCAL INSTITUTIONS.

In the early stages of society there are no relations between individuals and no interests calling for anything more than local arrangements. As a few persons develop common interests and common desires, they more intimately associate, and soon see the necessity for some kind

of organization for their protection and improvement. Thus local police and local government are instituted. Some time after this a more general acquaintance and a broader outlook will call for the development of general institutions and the organization of General Government.

In England, under the Britons, the country, for ecclesiastical purposes, had been divided into tithings, hundreds, and counties. The Saxons adopted this division for governmental purposes. The tithing and hundred were not uniform in territorial extent nor in population. These divisions were made use of as means for local self-government and protection, and as centers of local gathering.

Every person above twelve years of age was required to be enrolled in one of these associations or divisions of the population, or else to be under the surveillance of some chief. Each hundred was responsible for bringing to trial every offender belonging to it, or, in case of his escape, to prove that such escape was not by their fault or connivance, or else to pay the penalty for which he would have been liable. This regulation made an admirable system of local police. The spirit of subordination to authority growing out of this law, and the feeling of obligation to discipline, have been characteristic of the Anglo-Saxons throughout their history. It was the effort of their kings to reduce the settlements into order that gave rise to many of their early laws; and the body of laws attributed to Alfred was, to a large extent, but the collection of the laws of a number of the kings promulgated for the purpose of bringing order out of chaos.

Originally, in each of these divisions was a local court; but gradually the Tithing Court was abandoned, and it took the command of the king to keep the Court of the Hundred from going into desuetude. Under the Anglo-

Saxons the presidents of these courts or assemblies were the tithing man for the tithings, the centenarii for the hundred, and the alderman for the county. When the Normans came into power, these were changed respectively into the petty constable, the high constable, and the sheriff. These officers were elected by the land-owners; probably not by a formal vote, but a general consent. Sometimes, on occasions of disorder, the central power interposed, and made the appointments. This was done by Alfred after he had expelled the Danes, and seems to have occasioned no jealousy or uneasiness on the part of the people. As yet the conflict between the people and their rulers for the possession of power had not set in. The rights and duties of neither class had yet been limited or defined, nor were the rulers yet extravagant in the exercise of power. Consequently, the people did not easily become alarmed at the assumption of authority in the way Alfred exercised it.

When a dispute occurred and an encounter took place, the aldermen sent a number of freemen belonging to the class of the contending parties into the locality where the trouble originated, in order to learn the facts; these parties were called assessors. The contending parties were required to prove their case by those acquainted with the facts, and these were called compurgators. As an outgrowth of this system, and from a combination of the elements of these investigations, there was gradually developed the modern jury trial.

RANK AND CONDITION IN SOCIETY.

Under Saxon supremacy the inhabitants of England were free or slave. The freemen were thanes and ceorls; the former were freehold owners of the soil, while the latter had no interest in the land.

Among the Germans there had always been a class of slaves, and this system was continued among the Saxons when they settled in Britain. All persons taken in war were condemned to slavery. The number thus placed in that class was largely added to by those who, unable to pay their debts, were sold into slavery, and still others who voluntarily entered that relation to secure protection and support from some powerful land-owner. Besides these there were many criminals who were unable to pay the fine imposed on them, and, having no relatives willing to undertake its payment, as a consequence entered the slave class. From all these sources the number of slaves became considerable. Their condition was not as degraded as has generally been that of inferior races who have been reduced to slavery; still, it was so appalling as to awaken the sympathy of all well-disposed people.

Not all the Britons remaining in the island were reduced to slavery. Some who retained or acquired five hides of land, even attained the rank of thane. But, of course, the great body of conquered Britons, who were not killed in battle or driven from the country, passed to the condition of slavery.

The slave had no legal rights. His master might slay him without incurring any legal penalty, and if another should kill him his master could collect his value from the offender. From the introduction of Christianity the influence of the Church was constantly exerted against the maintenance of the slave system, and its authority was used to reduce its hardships and to ameliorate the slave's condition. While the law inflicted no punishment on the master for killing his slave, the Church regarded it as a flagrant offense, and imposed on the master severe penance. Many of the bishops freed the slaves that belonged to the Church estates, and induced others to fol-

low their example. By the tenth century under the efforts put forth by the Church, and the more enlightened views acquired by the people, slavery had nearly ceased to be practiced in England. Legislation was secured for the suppression of the slave-trade. But in the port of Bristol, the last English market to be closed to the traffic, it was not suppressed till the reign of William I.

Villanage was the lowest condition of English free-men. It was a condition not known at the time of the Saxon conquest, but gradually came into existence through the various changes wrought in the condition of society. Even before the union of the kingdoms into the Heptarchy, differences in classes had commenced to spring up. But when one prince succeeded to the Government of the whole realm, his rank was so immeasurably exalted, and he was so far removed from the condition of his subjects, that he was looked up to with awe. Those who before the union had been his equals in money value, under their system of criminal jurisprudence, sank to a rank which had no comparison with his, now that he was chief of the whole nation. The difference in rank between the king and the bishops and eorls, created under the new system, was followed by corresponding differences between the lower orders.

In early Anglo-Saxon times the ceorls were free to go where they pleased, to engage in any business, and to attain any position within their power; they could go to war, testify as witnesses in court, acquire lands, and when one became possessed of five hides of land he became a thane. It may seem strange that all inhabitants did not become possessed of land, but they very generally kept up their ancient custom of attaching themselves to a chief to whom they looked for protection, and who led them on expeditions of plunder. When the chief settled down

into a state approaching civilized citizenship, these parties naturally attached themselves to him, and became tillers of his land. Being free, those of them who had spirit and enterprise acquired property, and worked themselves into the body of the thanes, while many, lacking the qualities that gain and preserve freedom, sank almost into the condition of slavery, and were known as villains.

Not only the ceorls, but even many thanes were reduced to the condition of villanage, even before the complete introduction of feudalism by the Normans. Owing to the feeling of insecurity caused by the internal struggles that were constantly in progress, and, in addition to these, the Danish invasions that took place during the ninth and tenth centuries, many of the smaller freeholders surrendered their lands to some powerful lord, and received them back as a fief, thus securing protection from the nobility, but at the price of independence. These foreign invasions, domestic contests, changes in government, and in the condition between the ruler and the subject, resulted in social revolutions among the people. Many, perhaps most, of the former ceorls became insignificant peasants, or villains—practically serfs; the small thanes lost their position as freeholders, and assumed the state of vassalage, while the larger thanes correspondingly increased in power and influence.

With the introduction of feudalism by the Normans, villanage became one of its natural accompaniments. With the division of the kingdom into great estates which were granted to the king's followers, at once sprang up the practice of leasing the greater portion, usually about three-fourths, in the hands of tenants, who held it on a somewhat indefinite arrangement as to payment of rent. Some of these tenants worked the lord's land while others delivered to the lord a certain portion of that which was

raised on the land tilled by them. The condition of this tenantry, in many instances, came to be most distressing, and the difference between villains and serfs or slaves was almost imperceptible. Most of this class of tenants were bound to the soil, and had no choice of masters; they passed with the conveyance of the estate as much as the buildings or trees.

Undoubtedly there were many causes entering into the changes in society which were experienced in the fourteenth century. The influence of the Church had long been exerted for the emancipation of this class of laborers. The increase in population and the increase in wealth throughout the kingdom had their effect. That the condition of the laboring classes was improving, and that they were gradually rising in social rank during the last of the fourteenth century, there can be no question. The condition of villanage was dying out. In the complaint made by the Royal Council in 1450, calling for royal action in the matter of reform, villanage is not mentioned as one of the grievances needing remedy. It is evident that, at this time, it had practically disappeared with the general improvement of the country.

The thanes were the only class who became influential in society or attained prominence in history. They were the members of the local assemblies and inferior courts; they had a right to attend, and the more wealthy of them did attend, the Witena-gemote; from their ranks came the king's chosen servants and the whole line of nobility.

It has been a question of dispute as to how the English nobility originated—whether orders of nobility existed among the ancient Germans, and were brought with them by the Saxons when they came to Britain, or were developed after their settlement in the country. While we may not be able to settle this question so as to leave it

free from historic doubt, I think we may safely draw satisfactory conclusions from what we know of the early history of this people, and from the general development of society.

Men inherited land and wealth before they inherited social rank and official position. Using the term in its popular sense, nobility of wealth is older than nobility of blood. The difference in the ability and make-up of men is such that in an age of conquest and plunder, when vast tracts of land are appropriated with, perhaps, the payment of no price but valor, some would naturally acquire much more than others. When the Germans settled in Gaul, England, and other countries, the conditions were all favorable to the development of great differences in wealth and power among the conquerors. Much of this difference would be transmitted to their children. As a natural consequence, a nobility would soon spring up.

That a species of nobility is found among most of the German tribes soon after their conquest of Roman territory and their settlement therein, is unquestionably true. It is largely from this fact that some writers have assumed and asserted the existence of an order of nobility among the Germans from the earliest times. But the facts, instead of proving this theory, are directly opposed to it; the development of orders in rank is just what we should expect from their changed conditions in their new homes, and this is what the facts warrant us in believing took place.

That there was an order of nobility—nobility in its true sense, real worth—among the ancient German tribes, can not be doubted. It exists among all people, and ever must. But that, previous to their conquests and settlement in Roman territory, there was among them any order of nobility, hereditary in character, conferring spe-

cial privileges in Government as a matter of right, and entitling its possessor to certain social distinctions, I do not believe. Historians who take such a view assume too much from facts which are known. The Saxon *eorl* may have had a better show for securing an election to an important position than a simple thane; but if so, it was because he and his family before him had proved to be men of worth. No position descended to him by inheritance, and he had no right to an election that was not possessed by every freeman. The fact that the kings, although elective, came from one house, probably shows that there was a royal house; but that furnishes no proof of an hereditary rank of nobility.

In Germany all freemen were equal. Naturally some families would develop a line of strong men, whose merit would command universal respect, to whom the members of the tribe would look for counsel, and on whom they would bestow their honor. Real nobility—the nobility of individual and family worth—existed among the Saxons before and after they settled in Britain, as it exists among all people. Such men became their *eorls*, and from this class were usually chosen their leaders in war and their rulers in peace. But this nobility had no legal standing; it gave its possessors no additional rights; it allowed them to make no claim of precedence in society or in government; for, however worthy they were in fact, they were, in right, only equal to the least freeman of the tribe. Equality in rank was the legal standing of all free Germans. Sovereignty resided with the body of the freemen.

Strictly speaking, there was not, during the early years of Saxon rule, any nobility; that is, a class with superior social standing and recognized legal privileges. There existed but the elements or causes out of which such a class was to grow; that is, an opportunity for the growth

of inequality in power, in wealth, and for the development of the empire of strength. Such power once acquired and transmitted from father to son will, in the course of a few generations, establish a species of nobility or aristocracy. But these conditions had not been attained by the Saxons when they settled in Britain, nor were they reached for a long time thereafter. The royal family was the first to gain position, and was the only one that could, with any degree of propriety, be termed noble. It was foreign conquest that developed the king and the nobility. By common usage the unoccupied territory of the conquered country belonged to the chief or the king, or, at least, was at his disposal. The various military chiefs who led their bands for the conquest of Britain soon became kings of the several colonies or States by them planted and established. Government in the meeting of the tribe, or the wise men, was still preserved, as it had been practiced on the Continent, but it no longer remained the exclusive mode of Government. The king became a controlling factor in the general administration of affairs.

The large extent of conquered territory at the disposal of the king enabled him to attach to his person and service a chosen band of thanes, who assumed the first place among the subjects, and whose acquired power soon developed into an acknowledged nobility, which supplanted in influence, as well as in the administration of the Government, the old nobility of merit in the person of the eorls. As early as the times of Alfred, in the latter part of the ninth century, the king's thanes not only filled all the offices at court, but had obtained and were filling nearly all the places of honor and profit in the Government.

When the Danish king, Canute, came to the throne, in 1017, he divided the kingdom into four eorldoms; and

even before this, eorls had obtained high rank in the Government. Before the close of the Saxon rule, the great nobles had practically gained the ascendancy in Government. The house of Godwin had gained control of three of the six eorldoms into which the kingdom was then divided, and when Edward the Confessor died they had sufficient influence to secure the election of Harold to the throne. The number, power, and influence of the nobility increased with the introduction and development of feudalism under the Normans.

ESTABLISHMENT AND DEVELOPMENT OF THE CHURCH.

In the matter of its religion, as well as in so many other respects, England presents a strong contrast to the Continental countries settled by Germans. In all of them Christianity had been introduced while they were under Roman rule. In all the Continental countries which were invaded and peopled by the Germans, Christianity remained the dominant religion, and was accepted by the barbarians, who adopted it in place of their heathen worship. But in England the reverse of this was true. There Christianity was entirely eradicated with the extinction of the Christian Britons. On the success of the Saxon conquest, England again became a heathen country. Odin and Thor supplanted Christ, and for a century and a half heathen sacrifices took the place of the Christian sacraments.

I need not here repeat the familiar story of how Gregory's interest in the salvation of the English was awakened by the sight of some of this fair-haired people in the Roman slave-market. In 597 the first Christian missionaries since the Saxon conquest came from Rome, with Augustine at their head. At Ebbsfleet, in the island of Thanet, on the same spot where heathenism had re-

turned, with Hengist and Horsa, Christianity now re-appeared with Augustine and his companions.

The triumph of Christianity in the island was reached in much the same way that its conquests were made in other countries. The process was not a rapid one. The missionaries first became inmates of the royal residence, and the royal household were their first converts. The most effective work in securing the conversion of the Saxons seems to have been done by the missionaries who came from Ireland and Iona.

In 668, after the missionaries had been at work about seventy years, Rome sent out Theodore of Tarsus to organize the English Church. From the commencement of Augustine's work, Canterbury had been the seat of the Church. Theodore became the first Archbishop of Canterbury. He established bishoprics, which, in large measure, were made to conform to the political boundaries of the several kingdoms. The organization effected by Theodore, like all of Rome's work, was systematic and thorough.

Augustine and his followers had not simply effected a change of religion; the result of their work was seen alike in society and in Government. With Christianity also came Roman language, art, and letters. The organization of the Church became the mode for the organization of the kingdom. There was not to be a separate Church in each of the seven kingdoms, but one national Church, with one head residing at Canterbury, to whom all the bishops and prelates throughout the island were subordinate. This unity in organization, this subordination in rule, was to have its influence in securing a political union of all the kingdoms under one rule, to whom officials throughout the island should owe obedience.

When the Normans supplanted the Saxons, William

was as particular in the organization of the Church as of the State. He refused fealty to Rome, or to allow papal letters to be received in his kingdom without his express permission. He was the only ruler of his time who absolutely refused to accept any dictation from Rome. William exacted the same homage from his bishops as from the nobles, and kept the government of the Church as much under his control as that of the State. No one was allowed to be excommunicated without his sanction. The Synod had to obtain his permission before doing any work in the way of legislation, and before such legislation became effective it required his sanction.

On account of the personal controversy of Henry VIII with the court of Rome over his divorce proceedings, the Protestant Reformation took more of a political turn in England than it had on the Continent. The Reformed Church, under episcopal government, became and, with the exception of a time during the Revolution and the Commonwealth, has remained the State Church, of which the king is the head.

While a more extended account of the development of episcopal government would not seem to be inappropriate, still any further account is not deemed essential to an understanding of English Constitutional History, and I have thought it not advisable to give this topic more space.

FEUDALISM.

Among the Saxons feudalism in its true sense, as thereafter developed on the Continent, and as introduced into England by the Normans, was unknown. As understood and practiced on the Continent it embraced the simultaneous hierarchy in lands and in persons. In it there was no hierarchy in person except as founded on land. But among the Saxons the only hierarchy was that

of persons. All thanes held their lands by free and allodial estate. The development of personal hierarchy was the result of a Saxon law, which, for the purpose of bringing the floating elements of the population into one orderly state, compelled every person of twelve years of age to enroll himself in some tithing or hundred, or else to place himself under the protection of a chieftain. This obligation was so strong that no one could absent himself without the permission of his chieftain or the captain of his corporation. This system naturally gave prominence and position to certain parties, and to that extent raised up a personal hierarchy. But it was not based on land and was not the hierarchy of feudalism. The poor and weak naturally placed themselves under the protection of the rich and the strong, who thereby acquired additional importance and distinction.

Many features of feudalism are found in Anglo-Saxon history, and some historians have supposed that feudalism was an English institution before the advent of the Normans. But to adopt such a theory is to disregard the distinguishing marks of that great institution, and to accept inferior elements common to two systems as determining the character of Anglo-Saxon society, rather than the controlling principles on which feudalism rests, and which distinguish it from all other forms of social development.

The Norman society and Government in England was feudal, although they lacked many of the elements which characterized pure feudalism on the Continent. William's Government in England was neither the Saxon, which he displaced, nor yet the feudal, which was in vogue in Normandy. He brought with him, and put in operation, the land system with its fealty and military service belonging to feudalism, but he refused to adopt the independence

of the Baronial Government which had been the bane of monarchy in France. When he entered on the Government of England, William retained the judicial and administrative system of Government he found in operation among the Saxons, and, in addition to this, he required the oath of fealty from all inferior barons to extend to himself as well as to their immediate lord.

Under Saxon rule the division of land had assumed many of the qualities of feudal estates. The thanes, who were the special followers or companions of the king, and leader of his war-bands, received large estates. The nobles followed the royal example of infeudation. Many of the freeholders who held allodial estates surrendered them to some great thane, to receive them back as fiefs. Pure freehold among the Saxons had practically ceased at the time of the Norman conquest, and by this event the tendency towards feudalism was increased a hundred-fold.

An army sufficient to quell any revolt was necessary to the Norman king's stability, and a general confiscation of the estates of those who sought to overturn his Government seemed the most feasible and natural course. This was made easier by the death or flight of most of the old nobility, whose estates thus lay open for his appropriation. Out of these confiscated estates all of the Norman leaders, and many of the common soldiers, received donations. These grants, great and small alike, were held on condition of military tenure on call of the king. This insured a royal army and a strong nobility.

As in all feudal countries, there was now a contest between the king and the nobility for supremacy. William's wisdom and judgment were shown in the manner in which he handled this problem, which he must have known was sure to arise. In the first place the great baronial estates were so scattered over the kingdom as to make

any union among the great lords difficult. Again, as I have already said, contrary to the usual custom in feudal countries, all the inferior vassals were required to swear fealty to the king as well as to their superior lord; this rendered it unlawful for them to follow their lord against their king, as was frequently done in France. But perhaps, above all other safeguards, William held the administration of justice in his own hands. He retained the Saxon courts of the hundred and the shire, in which every tenant had his voice, the officers of which were of his own appointment or were responsible to him. He also abolished all the old Saxon eorldoms, thus preventing any one great lord from accumulating authority that would make him independent of the king. By these means, William was able to prevent that breaking up of Government which took place in France and Germany. From the inception of the Norman rule, royalty was the controlling factor in the English Government.

But while feudalism was never able to destroy the royal authority in England, it gradually gained in strength and became a somewhat co-ordinate power in Government. The great barons formed the Royal Council, whose advice and consent became necessary to be taken and followed by the king. From the accession of John, at the close of the twelfth century, to the commencement of the Wars of the Roses, in the middle of the fifteenth century, there had been a steady advance of the nobility in gaining control of the affairs of Government. It would be a great mistake to suppose that it was the commons alone, or, perhaps, principally who are to be regarded as the founders or were appealed to for the security of popular rights. Before the commons were known as a force in Government the barons had gone a long way in the direction of breaking the power of absolutism and developing the prin-

ciples of Parliamentary Government. It was in their keeping that Constitutional liberty was preserved for a century before the commons had developed sufficient strength to be of any practical assistance in the contest against royalty. And for a century longer the commons were making their advance in the acquisition of power, only because of the aid they received from the feudal barons.

The Wars of the Roses were the destruction of feudalism. The slaughter of the barons and the extinction of noble houses at the battle of Towton Field, in 1461, was a loss from which feudalism was never able to recover. Many of its burdens, among them villanage, had before this mainly disappeared under the influence of a steady commercial growth which had brought prosperity to the country. But after the close of the Wars of the Roses there were few vestiges of feudalism remaining. The power feudalism had so long wielded at once passed into the hands of royalty, for the commons had not yet gained strength to stand alone and contend with royalty, unsupported by the nobility. The principles of feudalism remained a part of the Constitution, and continued to exert their influence in the holding of property, and in many other respects; but as a force in Government it expired with the house of York.

COURTS AND THE ADMINISTRATION OF JUSTICE.

English jurisprudence has, from the first, differed greatly from that of any other European Government. England, as well as other countries, codified the laws from time to time. If we do not go any further back, at least before the close of the ninth century Alfred had collected the laws of his predecessors, and published a code of laws supposed to embrace those then in force in his kingdom.

Another collection of the old Saxon laws was made by Edward the Confessor, which has given him rank in history as a legislator. It was for the application of these laws that the people so strenuously insisted under the early Norman kings.

But that feature of English law for which she has been most famous are the accumulated maxims, customs, and rules which have sprung up and taken root among the people from the first settlement of the Saxons in the island, which have been recognized by every department of Government, have been declared, interpreted, and enforced by her courts, have been preserved, perpetuated, and made public in her court reports and State papers, and which are known as the common law.

There are probably many reasons that might be given why this system of law should have taken such a firm hold in England, and why it should have made so little development in other European countries. As I have elsewhere observed, here, more than in any other country of the old Roman Empire in which barbarians formed settlements, were preserved their ancient Germanic institutions. Here, more than anywhere else, was the government of the people. They preferred to live under laws and customs which their ancestors had cherished, rather than under those which might be formulated by some king or prince.

No other European country had such a system of courts, and such free, enlightened, independent judges as those who administered justice in England. It is true there were times when these judges became subservient to royal wishes, and allowed themselves to be made the instruments for the enforcement of tyranny. But this was far from being the general rule. Generally they were the voice of freedom and the protectors of the country's liberties. It was in these courts, and for the protection of

the people's rights, that the Germanic principles of freedom, as embodied in the ancient customs of the people, were appealed to, and were announced and declared to be the law of the land. Under such a procedure precedents became of controlling weight. A principle of popular liberty announced in a judicial decision was thereafter appealed to as an indisputable individual right. The common law is one of the richest heritages of English freedom.

Under the early Saxon rule society inflicted no punishment for crime. Private vengeance—life for life—was the recognized rule prevailing among the Saxons at the time of their settlement in Britain. Each man was the source of justice in his own family, and was likewise the avenger of his own and his family's wrongs. But the rule was even then undergoing the modifications which the growing sense of right was bringing to bear in favor of public justice. A substitute of a money compensation (bloodwite) was the first effort made to do away with private vengeance. Human life, like chattels, was given a money value, and he who took it must pay the penalty, the amount which, valued according to the standing of the person killed or injured, was fixed by law. The amount thus paid was divided between the king, the family of the deceased or injured party, and the judge. The measurement of an offense by the standard of eternal justice was not even thought of at that time. Under Alfred's code of laws the money consideration which had theretofore prevailed was superseded, or rather supplanted, by a provision for corporal punishment; for even the old practice of private vengeance, in a modified form, still continued to be practiced.

With the Normans came in the Continental species of trial,—wagers of law and battle; while the Saxon practices

of ordeal of fire and water, and compurgation, whereby a party appealed to his friends and neighbors to testify that they believed he told the truth, were also continued in operation. Most of these modes of trial were not formally abolished till recent times, although under the legal reforms introduced by Henry II and Henry III, provision was made for a more civilized system of jurisprudence, and these modes of trial largely fell into disuse.

The judicial reform under Henry II began with the assize or statute of Clarendon, in 1166. The old Saxon system of frank-pledge, or local security for the peace, was revived. Provision was also made for twelve lawful men from each hundred and four from each township being sworn to present for trial, by ordeal or otherwise, those in their respective districts who were reputed criminals. This may be said to be the origin of the jury system. At a later date, under Edward I, witnesses acquainted with the facts were added to this jury. Still later these two classes were separated, whereby one became simply witnesses and the other judges of the facts.

The system of English courts, like her law, is a growth. In the Assembly of freemen as it existed among the Germans, and which the Saxons brought with them to Britain, justice was administered, as were also other matters of general interest attended to. When the Saxons came to Britain they found certain divisions of the country devoted to ecclesiastical purposes, which they appropriated for Governmental administration. From this originated the courts of the hundred and the shire. The former of these soon fell into disuse, or, at least, was more of a popular gathering for discussion of topics of general interest than a judicial tribunal. But the County Court has always been an important tribunal. Its jurisdiction has been varied and extensive. Originally it made the neces-

sary levy of taxes and provided for the maintenance of roads, bridges, and forts. In it were also adjudged the differences between citizens, and the guilt or innocence of persons charged with public offense.

When the Normans came into possession of the kingdom, William I had the wisdom to modify the feudal system as it had existed in France, and which he now introduced into England. Among its elements, which had nearly destroyed royalty in France and almost reduced that country to a lot of petty principalities, were the Barons' Courts. William continued the Saxon courts, and thus retained the administration of justice under royal supervision, instead of allowing it to pass to the barons.

Of course, the County Courts had to be supplemented by others of a more national character, and in which errors of the lower tribunals could be corrected. The high courts of England were all the outgrowth of the original and inherent power supposed to reside in the king as the fountain of justice for all his people, and the germ of all these courts may be found in the establishments of William I. The highest officer in the kingdom, under the king, was the chief justiciar, who also acted as regent of the kingdom during the king's absence. From the highest barons of the household were selected his staff. This formed the Supreme Court of the kingdom, and was usually styled the *Aula Regis*, or King's Court. This body revised and registered the laws, assumed the supervision and collection of the revenue, and also advised the king on all important matters of state. Twice a year the sheriffs of all the counties appeared before them, and rendered their accounts for the various funds received by them and paid over the money. Some of its members made a circuit of the shires, principally to inquire into

matters relating to the revenue, but also to supervise the local administration of justice.

This irregular itinerancy of the barons was confirmed into an established system under Henry II by the assize of Northampton, in 1176. Six judicial circuits were established, through each of which one of the king's judges was to travel regularly, holding one or more assizes in each county each year. Before this time most causes terminated in the County Court, or were carried to the *Aula Regis*. Great legal reforms were made by the several assizes passed in the reign of Henry II. Those of Clarendon in 1166, and Northampton ten years later, were perhaps the most important, although others scarcely inferior followed. The ecclesiastical courts, which had been assuming a jurisdiction independent of the crown, were brought into subjection, and from them appeals were allowed to the King's Court. Prior to the time of Henry II the King's Court had been composed of members of the King's Council; but, in 1178, Henry II separated the purely legal judges of the King's Court from the body of his counselors, and to them was given the name of King's Court, while extraordinary jurisdiction was reserved for the king in General Council, including final appeals and those extraordinary matters in which other courts failed to do justice. This was the origin of the judicial powers afterwards exercised by the Privy Council, and also of that extensive jurisdiction so long assumed by the Ordinary Council, or Star Chamber, hereafter to be spoken of.

The legislation of Henry II was supplemented by that of Henry III, but more especially by that of Edward I. By the legislation of the latter a larger jurisdiction and wider scope of power was given to the Council. The chan-

cellor was the presiding officer of the Council. His powers, as subsequently enlarged and exercised, seem to have been given to him at this time, so that really the Court of Chancery dates from the reign of Edward I.

By the provisions of Magna Charta the King's Court, which had theretofore been migratory with the king's person, was to be given a fixed place of meeting. It was soon thereafter divided into three branches—Exchequer, King's Bench, and Common Pleas. Just how far these reforms and changes had gone under Henry III may be somewhat uncertain; but certainly during the time of Edward I the division had become permanent, and each court had its separate judges. Besides this, the judicial functions of the Privy Council were more accurately defined and the powers of the chancellor were recognized. However, it was reserved for Cardinal Wolsey, under Henry VIII, to enlarge the jurisdiction of the Court of Chancery, and to make it one of the great features of English jurisprudence.

The Court of Star Chamber has received, and probably merited, greater abuse than any other tribunal ever organized in a free country. This court was the outgrowth of, if it was not identical with, the king's Ordinary Council, a body of very ancient origin, presided over by the lord chancellor, composed of all the members of the Privy Council, certain judges of the law courts, and, as some say, and, as I think, correctly, any peer who chose to appear and sit therein. However, the right of the peers, unless otherwise entitled, to sit is denied by some writers. Probably at different times during its existence the composition of this Ordinary Council, and also of the Star Chamber, if the two were not identical, varied. It seems to have been known as the Court of Star Chamber prior

to the time of Henry VIII, although it was not usually so designated till even a later period.

This court exercised both civil and criminal jurisdiction, and most, if not all, its jurisdiction had no authority in law. In civil matters it was supposed to take cognizance of such suits as could not fairly be tried at law on account of the inadequacy of the jury system at that time, or for some other reason. Its criminal jurisdiction took a wider range, but especially of offenses against Government which had never been defined, and which largely lay in the imagination of the king and court. During the time of the Plantagenets it had been constantly depriving persons of a jury trial. As early as the reign of Edward III ineffectual attempts were made to suppress or abolish this tribunal, but it continued to flourish.

Under Henry VII a part of the officers who had composed the king's Ordinary Council were erected into a court with definite jurisdiction. During the time this last named tribunal was in active exercise of power, the Ordinary Council seems to have suspended the exercise of its judicial functions. It is, perhaps, impossible to tell just when this special tribunal ceased to exist, or was merged back into the larger body of the Ordinary Council; but during the reign of Henry VIII we find the original and larger body in full operation and with enlarged powers. It continued in vigorous operation during the reigns of the rest of the Tudors and the first of the Stuarts. Under Charles I it was the instrument of more violence and tyranny than it had ever been before. When the Revolution broke out, the Parliament which assembled in 1640 abolished the Star Chamber, the High Commissions, and other irregular tribunals. The efforts of the Stuarts to re-establish this power for tyranny were ineffectual.

It is not deemed necessary to describe Probate, Admiralty, and other Courts of an inferior jurisdiction. Justices of the peace were provided for as early as the time of Edward I. The charters granted to towns by the kings, commencing with Henry I, usually gave them the right to establish their own local courts wherein freemen had the right of trial by their fellow-citizens. Since 1846 increased facilities have existed for litigating small cases in the County Court, in which either party may demand a jury consisting of five. A court is also held quarterly in each county, aside from the General Assize, for the trial of criminal cases.

In 1873 the English judicial system was remodeled. The three high courts were united into one Supreme Court of Judicature, and yet the original functions of each court are, in a measure, preserved, and the same number of judges as sat in the three courts compose the new tribunal. Among the changes introduced into the procedure is a blending of law and equity.

The Privy Council can inquire into all offenses against the Government, and commit all offenders for trial. The Judicial Committee of the Privy Council has appellate jurisdiction from all parts of the kingdom over certain questions, among them Admiralty, and questions between colonies.

ENGLISH TOWNS.

It is only from scattered material and some official records that the history of English towns has been, in any measure, written. That they commenced to increase in wealth with the establishment of order, that took place immediately after the Norman conquest, is certain. Their trade and commerce were now secure, and those desiring to engage in commercial enterprises were naturally drawn

to them. They were, at first, subject to the same feudal exactions as other tenants on the lord's land. But the great need of nearly all the feudal barons was money; and the towns'-people, taking advantage of their necessities, purchased from the barons from time to time such privileges as they most prized. In this way they gradually acquired the right to administer justice in their own courts, and the right of municipal self-government.

To the rights acquired by purchase must be added many others gained by prescription. By a failure on the part of the feudal authorities to exact all that might be claimed, many of the feudal burdens fell into disuse; and, in a similar manner, the towns practiced many customs that the authorities did not take the trouble to repress. As a consequence in a few years there sprang into use many valuable privileges which in time ripened into rights.

At first the towns had no security for the exercise and preservation of their rights. At the accession of Henry I he secured to London the rights it then claimed by a royal charter. This was the first municipal charter granted in the kingdom, and it became the pattern on which many more were subsequently granted during that reign and also the reigns of his successors. Some privileges were acquired from the crown, as they were from the lords, through the king's necessities.

CHARTERS OF LIBERTY.

It may be stated, on what seems good authority, that the first of the series of charters granted by the Norman kings to their English subjects was that of William the Conqueror, granted in 1071, which was, however, but a vague declaration of the principles of the feudal political law. Of course, its provisions were easily ignored by that self-willed monarch. But the charter of Henry I was of

a different character; and Henry expressly promised to respect all ancient rights, as well as to grant relief against many of the hardships of the feudal law. But as no guarantees accompanied this declaration of rights of the English subjects, Henry's reign was as crowded with usurpations as though no charter had been granted. In addition to his general charter, Henry I granted a charter to the city of London by which certain municipal privileges were accorded that city. In 1101, when Robert was giving him trouble, Henry made fresh promises to his people, and offered to confirm them by charter.

Stephen granted two charters; the first confirmed the provisions of Henry's charter and the laws of Edward the Confessor, the second promised to reform the administration of the sheriffs. So far the people had the bare promise of the king, without any guarantees. But the barons and bishops now commenced to seek for guarantees that the promises would be kept. The barons secured the right to erect fortresses to secure their possessions, and the bishops obtained a release from their oath of fealty whenever the king violated any ecclesiastical privilege.

The charter of Henry II, granted about 1154, contained nothing new, and nothing in the shape of guarantees. Under Richard I, especially during his absence on a crusade, the barons became much more exacting, and, instead of petitioning for a confirmation of their charters, they openly resisted royal exactions.

John was the most ignoble of all the English kings. His usurpations, added to his profligate life and arbitrary disposition, alienated the affections of the whole nation. His tyranny and exactions extended to both laity and clergy, so that both orders were united in the contest that ensued with the king. In 1204 the king demanded of the barons assistance in his contest for his French posses-

sions; this they refused unless he would restore their liberties. But while he could not get their united consent he gained over most of them individually without making any promises. In 1213, Cardinal Langton informed the Assembly of Barons that he had found the charter of Henry I, which seems to have been entirely forgotten. The presentation of this charter gave them a new idea and inspired them with new courage. The nation determined to be free. The following year the barons demanded of the king that he restore the charter of Henry I; this he refused to do. Each party sought the aid of the pope, who took the side of the king, and commanded the barons to desist from interfering with the king's prerogatives. The nation was aroused, and would not respect the dictates of Rome. Each party prepared for war; but the king had so incensed the feelings of the people that the barons were able to command a much superior force. After resisting as long as possible, John found his position a hopeless one. After the preliminaries had been arranged, the king and barons met at Runnymede, and on June 15, 1215, Magna Charta was granted. The barons' contest with John is a counterpart of the Revolution of 1688. Magna Charta is the chief distinguishing mark between a free country and a despotism. This charter defined the rights of the clergy, the nobility, and the common people. In it, for the first time in English history, we find the distinction made between the greater and the lesser barons, and on this distinction may be said to rest the subsequent division of Parliament into two Houses. Habeas corpus, whether it then existed as a remedy which had been in use a long time or was subsequently framed by the judges, each of which positions has its champions, is founded on Magna Charta, and the statute of Charles II is only an elucidation of the principle.

The barons attempted to form guarantees against the infraction of the charter by the appointment of a Council of twenty-five of their number to see the provisions of the charter carried out. It was a very imperfect, although a very important, guarantee. The concession of the right of the barons to use force, if necessary, even against the royal power, to secure the observance of the charter, was a start in the right direction, and crystallized the aristocracy into a force independent of the crown. From this time English freemen, instead of petitioning for a restoration of the statutes of Edward the Confessor, demanded the observance of the charter.

Henry III confirmed, annulled, and reconfirmed the charter repeatedly, three times in particular, and no less than seven times in all. After confirming it on one occasion as the price of a liberal subsidy, he obtained from Rome a dispensation relieving him from the obligation of his oath.

The most specific of all the charters granted after Magna Charta was that of Edward I, given in 1297, confirming prior charters. He subsequently, on two or more occasions, again confirmed the charters. From this time charter liberty was secure.

PARLIAMENT.

So many influences were at work in the nation during the centuries intervening between the landing of the Saxons in Britain and the definite organization of Parliament, that it is impossible to determine to which this body most owes its existence. Certainly there is no one force, nor is there any one event, to which we can point and say that out of this sprang the English Parliament. I will now refer to some of the institutions, each of which, in some

degree at least, had something to do with, or in some way contributed to, the formation of the National Legislature.

The Saxons brought with them from their German home the Assembly of all the freemen—an Assembly of the tribe in which each freeman had an equal right with every other member—on whose action all of the affairs of the tribe were decided. Naturally the chiefs exerted a great influence over their retainers and dependents, and the latter would probably vote much as their chiefs might desire; nevertheless, each was free to act and vote as he chose.

On their settlement in England the principle of participation in Government by every freeman was even more fully provided for than it had been in their original home; for here were organized the mark-moot or township meeting, the shire-moot, or county meeting, as well as the general meeting of the whole tribe. They were all organized on the same basis, and in each every freeman had a right to participate and vote.

After the consolidation of the kingdoms into the Heptarchy, if not before, the National Assembly, then known as the Witena-gemote, came to be a meeting of the more important personages rather than a full meeting of the tribes. While it was open to all the freemen, as the local assemblies had been and continued to be, it was practically composed of the nobles, High-Church dignitaries, and great landlords. Although it was usually held in some central place, it was necessarily far removed from the great body of the freemen. This made it difficult for the small land-owners, no less than for the ceorls, to attend. A law of Athelstane declared that every freeman possessing five hides of land, and every merchant that had made three voyages to a foreign country, should be num-

bered among the thanes, and admitted a member of the Witena-gemote. But the old rule still prevailed that no one could enter the Assembly except on his own account, so there could be no species of representation; it was direct government. However, a little later than this a law was enacted allowing members to send their proxies, and thus vote in the Assembly without being personally present. This custom still survives in the House of Lords.

Originally the Witena-gemote held frequent meetings; but to keep from being burdensome they were reduced to two a year, so that all freemen might be more likely to attend. But the inequalities of rank, condition, and influence increased, and more and more the Witena-gemote came to be an Assembly of the great land-owners, bishops, and abbots.

As yet there was no clearly-defined division of powers between several departments of Government. At times we find the Witena-gemote providing for the raising of armies, levying taxes, supervising the coining of money, regulating the royal domain, directing ecclesiastical affairs, reforming abuses of the great land-owners, receiving complaints and petitions, hearing and considering the same, and thus exercising a species of judicial power. The first general tax ever levied by this body, of which we have any record, was to provide for repelling a Danish invasion, and the record informs us that every member present voted for it.

The meetings of the Witena-gemote were first held according to its own direction, but soon its convocation came to be left with the king. The surrender of its right to determine its own sittings was made before it was realized how essential that right was to its own independence and power. All members were personally exempt from

arrest and judicial process from the time of their leaving home till they returned.

On the death of the king the members assembled spontaneously to decide on the succession to the crown. At this meeting all the freemen in the immediate vicinity usually attended, and, surrounding the wise men, shouted their assent to the proposed election. This was, perhaps, the nearest approach to the original Assembly of freemen to be found in later Saxon history.

Of course the Norman conquest produced a change in Government. At first all the royal barons were required to meet the king in council three times a year. A little later the King's Court was organized, composed of the chief officers of the king's counselors, under the presidency of the chief justiciar. This was taken to be the permanent representation of the whole body of royal barons, when that body was not in session. It revised and registered the laws, and gave counsel and consent to the king's acts in general. In a measure the Great Council preserved the spirit of popular legislation. By the time of Henry II its meetings had become quite regular. It sustained about the same relation to the Government after the Norman conquest that the Witena-gemote had sustained to it before that event.

While the Great Council was composed of all tenants who held directly of the king, in practice only the great barons attended. By the provisions of the great charter the prelates and great barons were to be summoned by writ, and the lesser barons by a summons through the sheriff. But in later issues of the charter the provision for summoning the lesser barons was omitted.

Under the early Norman kings there were frequent, but not regular, meetings of the Great Council. As a

general rule they were convoked at Easter, on Whitsuntide, and at Christmas; but this can not be said to have been a uniform rule of their meetings.

The work and duties of the Great Council were not specifically enjoined or well defined. The counselors advised the king on matters of Government, consulted as to proposed royal marriages, discussed the royal conduct, and frequently acted in a judicial capacity. Whatever they did in Government was on the theory that they were acting as a matter of right, and not as interfering in the king's business. At the same time the king would have been slow to concede that he was not rightfully possessed of absolute power in Government. Here, then, were commingled the principle of free government, the nation, through some of its legitimate and representative forces, partaking of and interfering with every feature of Government, and the principle of absolutism—the king claiming, and frequently exercising, the right of directing every function of Government, with no interference from any source. It was in this island that these two principles were to come into conflict for centuries, sometimes one prevailing, and then the other, and were finally to coalesce into the most perfectly-developed representative Government in Europe.

The English Church was organized by Theodore in the latter part of the seventh century. Its canons of legislation, as established and practiced during several centuries, were, perhaps, as good examples for, and as efficient influences in, the development of practical legislation as was the Witena-gemote of the Saxons or the Great Council of the Normans. During the reign of some of the most arbitrary of the kings the legislation of the Church Synods was about all the security there was for English liberty. During the anarchy and disorder that

prevailed through Stephen's reign the great Royal Councils were practically suspended. But in their place the king's brother, the Bishop of Winchester, convoked Synods of the bishops who assumed to act in place of the nobility. They asserted the right of declaring sovereigns unworthy of the throne, assumed to depose both Stephen and Matilda, and finally arranged for Henry II to succeed Stephen.

Perhaps the only Constitutional principle of importance asserted during Stephen's reign was the claim of the nation, through some representative body, absolutely to control the disposition of the crown. In this instance it was the Synod instead of the Council that made the claim. It matters little that this decree of deposition had little practical effect, and that Henry II would have succeeded as he did regardless of their action. In Constitutional history the result reached on this occasion is not so material as the claims put forth, which became a precedent for Parliamentary action in the future.

Under Richard I we see the development of more of a national spirit than had theretofore prevailed. While Richard was away on his Crusade, the Council deposed and banished his chancellor and justiciar, who had been left as one of the regents of the kingdom, for usurping the entire authority. Perhaps this was the first established precedent of ministerial responsibility to Parliament.

The legislative bodies of which I have now spoken were the forerunners of the English Parliament. Each, in a measure, kept alive the spirit of liberty, and accustomed the people to expect to share in the Government of the country.

Feudal vassals, who held directly of the king, had two fundamental rights; no extraordinary charge could be imposed without their consent; and they had a place in

the king's court, either to give judgment or to treat of public affairs. Each of these rights gave them a place in the Great Council or General Assembly. The Fourteenth Article of Magna Charta recognized the right of all direct vassals of the king to sit in the General Assembly; it also recognized an inequality in the barons which may well be said to be the foundation of the two Houses of Parliament. By the provisions of Magna Charta the great barons were to be summoned individually, the lesser ones by a general summons of the sheriff. Without being chosen so to do, the barons were supposed to represent their vassals in the Assembly. By virtue of this fictitious representation they levied imposts on all proprietors in the kingdom.

While all knights had the right to appear in the Council, there were so many things to hinder them in the exercise of the right that few besides the great barons ever attended. However, all maintained their right, although they did not exercise it. But their equal rights with the great barons made their influence felt in their respective County Courts, and gave them the opportunity to discharge various public functions to which they were appointed.

Service in the County Court was an obligation resting on all freeholders, whether vassals of the king or of some lord. These two classes being thus closely associated, and their interests being similar, a union naturally sprang up between them. In 1214, when the country was preparing for revolution, King John directed that sheriffs should send four approved knights for each county to the General Council to assemble at Oxford to consider the affairs of the kingdom. This is the first historical instance of the knights coming as representatives of the whole body. This attempt of John to separate the knights from the

barons, and to enable him to use the former against the latter, failed; the knights stood by the barons in the struggle for liberty, and would not be seduced by royal flattery. Henry III followed John's example in trying to alienate the knights from their attachment to the barons, and to gain them to his own interest, and succeeded, as seems evident from his direction to the sheriffs, in 1261, to send to the Great Council at Windsor the three knights from a shire which the Earl of Leicester had previously summoned to St. Albans.

In January, 1242, we have the first record of a Parliamentary debate and the first written protest of Parliament against royal conduct.

In 1254 the barons, under the lead of Simon de Montfort, commenced the struggle to take the administration of the Government out of the hands of the king, and to gain it for themselves. In 1258 the Great Council was assembled at Oxford, and for the first time was *officially* designated *Parliament*, although it had been so called in 1240 by Matthew Prior. The Provisions of Oxford, passed at this Parliament, practically changed the Constitution. Political guarantees were now given that effectively curbed the royal power; but, at the same time, by acts passed for their own interest, and contrary to the interests of the knights and freeholders generally, the barons alienated from their cause the great body of the knights, who, up to this time, had stood with them against the king. Thus, instead of two opposing forces—the king and the barons—as there had theretofore been, there was now organized a third, the knights, whose strength, given to either side, turned the scale against the other.

The differences between the king and the barons were referred to Louis IX, of France, who, early in 1264, gave his decision annulling the provisions of Oxford and re-

storing the king to his ancient authority. This the nation would not submit to, and civil war followed. The king and his son were taken prisoners by De Montfort, and the liberty of the kingdom was assured. A new Parliament assembled in June, 1264, and regulated the Government, leaving Leicester practically at its head. But the imprisonment of the king aroused sympathy, and many of the barons forsook the patriots and joined the royal cause.

Simon de Montfort, Earl of Leicester, was the champion of English liberty and the originator of the English Parliament. He was a Frenchman by birth, being the son of Simon de Montfort, who led the Crusade against the Albigenses in the reign of Philip Augustus, of France. He was one of the most remarkable men of that century. With all the piety of his father, he was temperate in habits, had a keen sense of honor, would die rather than violate his word or tarnish his reputation, and having formed his judgment and adopted a course of conduct, he pursued it unflinchingly till his object was accomplished. Notwithstanding he was a foreigner, he was a true English patriot. He had married a sister of the king; but he remained true to the interests of the nation, and justly takes rank as the founder of Representative Government.

Having become, through the result of the war and the action of Parliament, at least temporarily, head of the English Government, and finding so many of the nobility forsaking the national cause, Montfort determined on strengthening his party by calling the people to aid the Government. In 1265 he called a new Parliament, of course in the name of King Henry III, and, in addition to the nobility, clergy, and knights, who had thus far composed this body, he issued writs for the election of two citizens by every borough to sit with the other orders in

the Great Council of the nation. This was the first appearance of the English merchant and trader, who came to take their seats by the side of the great nobles, and it certainly was an important event in Constitutional History.

In general, it is under the rule of a weak and incapable king that popular institutions have their origin; but they are consolidated and made serviceable under the kings of more ability, who have the foresight to see that it is easier to accomplish their purpose by their use than it is to destroy them. Henry III did not have the strength of will and the force of character to withstand the demands of the barons; consequently, Parliamentary rights were greatly enlarged during his reign, including the admission of the Commons as an integral part of the body. Edward I, who followed his father, was a ruler of ability and decision. Probably he never would have conceded the rights which his father granted the nation; but, coming to the throne with those rights in general exercise, he had the good judgment to leave them alone, and to seek to make them subserve his own interest. It was through this medium that he procured large grants to carry on his French wars, subsidies to the extent that the people never would have stood had they been exacted without their consent.

During the reign of Henry III borough delegates were summoned on several occasions after their first appearance in 1265, but they were not uniformly called. Nor were they always present in the Parliaments of Edward I; but their attendance became more and more common, as is attested by numerous writs still extant and by other evidence.

In 1295 writs ran for summoning representatives of the clergy, as well as of the counties and towns. This was

the most general gathering and representative body that had assembled up to that time, and from it is properly dated the complete English Parliament. This assembly was divided into two Houses, clergy and laity, and they sat in different rooms, and voted separately. But this does not seem to have been continued. The barons, clergy, knights, and burgesses did not have, at first, separate sittings; but they decided separately, each for itself, on its grant of supplies and rate of taxation. Subsequently, for a time, the knights, being lesser barons, acted with and as a part of the nobility. About the commencement of the reign of Edward III, through causes which we do not know, the knights allied themselves with the burgesses, and the united element became known as the Commons.

The social standing of the knights helped to raise that of the burgesses with whom they united, and the united body had a strength which neither could otherwise have attained. Had the knights remained united with the lords, Parliament would have been little more than a representative of the aristocracy.

In 1297, Parliament extorted from the king a confirmation of the charters, and a definite and complete acknowledgment of the rights and institutions of the subjects then in use. From this time there was no question about the rights of deputies to participate in Parliamentary proceedings.

From the time of William I the County Court had been composed of all freeholders of the county, both the direct vassals of the king and also vassals of the barons, and each had equal rights with the other in the transaction of business. Besides the administration of local affairs, they had been in the habit, on various occasions, of electing some of their members either to some local

office or to perform some other duty. Thus the matter of election in the County Court was a subject familiar to the people before the custom of choosing delegates to Parliament arose. When the king wanted representatives from the people to meet the barons in his Great Council, there was nothing so natural as that the choice should be referred to the County Court.

In 1432, during the reign of Henry VI, on account of disturbances occurring from so great a number attending the County Court, as was said, the right of voting was restricted to freeholders possessing an annual income of forty shillings; this qualification has remained unchanged. Probably the real cause for imposing this qualification was not so much to prevent disturbances as to reduce the number of those whom the Government would have to contend with.

The mode of open voting, which has always prevailed, probably originated from the custom of the freeholders gathering around the sheriff and informally deciding whom they wanted for their representatives, their choice thus made being by the sheriff reported to the Court of Chancery. The borough delegates were elected by the municipalities, through the same bodies that transacted the municipal business. There was no uniformity in the organization of boroughs, hence none in the election of their delegates to Parliament. The ancient practice had been to elect members only from the county or town in which they resided, and, in 1413, this custom was enacted into a positive law, but it soon fell into disuse, and, without being repealed, it was, in practice, disregarded.

Originally the lesser nobility had the same right to sit in the Great Council of the king that the barons had; but for various reasons, elsewhere spoken of, they ceased to exercise that right. Subsequently, in the reign of John,

the custom of electing two knights, or inferior nobles, from each county, to represent their order in the Great Council, commenced to be observed. Of course they sat and deliberated with the great barons. But the differences between these two classes—financially, socially, politically—which at first had caused the inferior nobility to cease their attendance on the Great Council, was all the time increasing; so that, when a new element was introduced into Parliament in the form of representatives from the towns, there was a natural tendency for the county delegates to unite with them, just as they were naturally separated from the barons. This, however, was not accomplished at once. For some time after the introduction of town and borough delegates, they deliberated and voted by themselves, while the county delegates continued to sit and vote with the barons. Although all occupied one hall, the nobility sat in one end, while the citizens assembled in the other.

During the first half of the fourteenth century the formation and separation of the two Houses of Parliament—Lords and Commons—took place, but it was accomplished gradually. In voting supplies the three orders—barons, knights or county representatives, and citizens or borough representatives—voted separately. But the county and borough delegates gradually found their interests harmonizing, and were consequently drawn together, and before 1350 their union into one body, composing a distinct political element of Government, was accomplished. The records show these two orders, Lords and Commons, acting separately during most of the reign of Edward II, and, at least on one occasion, in different towns; so it seems clear that in the reign of Edward II the Houses were divided much as they now are. In the reign of Edward II it was enacted that all laws of a gen-

eral nature must be passed in Parliament by and with the "consent of the prelates, eorls, barons, and universality of the realm." This was the first Parliamentary declaration of the right of the commons to participate in all legislation.

At the close of the reign of Edward III, in 1377, the rolls of Parliament contain the name of Sir Thomas Hungerford as speaker. This is the first mention in the record of that officer, and it is probable this was the first time a speaker had been elected for the entire session at its commencement. When they had a matter to present to the king before this time, some one of their number had likely been selected to speak for them on that special occasion.

Several laws had already been passed requiring Parliament to be convoked, at least annually. Edward II had ordained that a Parliament should be held every year once or twice, and Edward III that it should be held every year, and oftener if necessary. Nevertheless, annual election was not required. The right of the king to prorogue Parliament, and to require the same members to again attend, was recognized. Although these statutes requiring Parliament to meet every year were never repealed, they were constantly disregarded in every subsequent reign. In several instances the king attempted to reign independent of the will of the people, and no Parliament was assembled for several years. This attempt was carried to its extreme limit by Charles I. But on the assembling of the Long Parliament, in 1640, they enacted the Triennial Bill, providing that Parliament should assemble every three years whether convoked by the king or not, and should not be dissolved until they had been in session at least fifty days. This act was repealed soon after the Restoration, and in its place was enacted a law

under which the king could use his discretion in the matter of convoking the Houses. In 1694 another Triennial Bill was passed, but without the provision of the previous law allowing Parliament to assemble whether convoked by the king or not.

But the most effectual provision that could be made for frequent meetings of Parliament was had soon after the Revolution of 1688 in the change of practice then inaugurated about granting supplies to the Government. It had been the common practice for Parliament to settle on a king at his accession a large revenue for life. But when William III was elected, the practice was established of making annual appropriations. By other legislation the law for the government of the army expired with each appropriation of money for its support. This practice made the annual assembling of Parliament an absolute necessity for the carrying on of the Government.

GROWTH OF PARLIAMENTARY POWERS.

The development of the powers of Parliament, and therefore of the liberties of the people, came about in a variety of ways and through a long period of time. Edward I was a strong and able ruler, who had the ability to mold and direct, to a great extent, the course pursued by this body; consequently, there was little if any growth of power during his reign. Edward II did not have the ability to hold so firm a reign, and under him the Government lost much of the consolidation it had acquired under his predecessor. It was, during this reign, principally carried on by factions among the barons, which resulted in civil war. While the Commons were not yet a controlling element, it was always deemed necessary by the prevailing party to obtain their sanction to what they had done, and this, of itself, contributed to the growth and

strengthening of their power. During the reign of these two Edwards the right of petition was enlarged and more firmly established. Formerly petitions had been to the king, but now they could be addressed to the king and Parliament. At the opening of each Parliament a committee was appointed to classify petitions, putting into one class those that might be decided on by the king and Council; in another class those that properly formed matter for the consideration of Parliament. For some time the action of the Commons in the matter of legislation consisted in presenting to the king petitions for the redress of grievances. These petitions sometimes went to the king direct, and sometimes to the lords, to deliberate on, and then refer to the king for him and his Council to decide on what to do. Those that were granted were then formulated into laws by the King's Council, and promulgated without being sent back for any further action in Parliament. Sometimes these laws did not correctly embody the matter for which the Commons had petitioned. In 1341 representatives of the Commons were admitted into a commission from the prelates, barons, and royal counselors, to embody into law the petitions which were allowed to go into general legislation. By this means the Commons had better security that their petitions would be more correctly expressed in the legislation growing out of their requests than had been the case when the bills were framed by parties with whom they had no connection. Those measures which were considered of a temporary nature, whether petitioned for by the Commons or put forth by the king on his own motion, did not go upon the rolls of Parliament, but were put forth as ordinances, while those laws which were intended to be permanent were inscribed on the Parliamentary rolls, and were denominated statutes.

The matter of petition, as it existed in the early development of Parliament and of the country, was a complicated affair, and its management had great influence in determining the initiative and proceedings in legislation. It may be fairly said to have been one of the main causes which led to the acquisition of such unlimited power by Parliament. At first each House of Parliament petitioned the king for the redress of such grievances as were of a public nature, and which it deemed essential to have redressed, and the right to withhold supplies gave them the power to enforce compliance with their requests. In this manner originated the custom of the Commons taking the initiative in legislation. Up to about the middle of the fifteenth century the practice continued to prevail of having a committee from Parliament and the King's Council frame the laws embodying the subjects petitioned for, and which were granted by the king. But during the reign of Henry VI this practice was discontinued, and thereafter Parliament framed for itself such laws as it desired passed, which, after receiving the assent of both Houses, were submitted to the king for his approval. This secured the passage of laws in a form to meet the approval of Parliament, with no right on the part of the king to change it. Under the old practice he frequently granted their petitions only in part.

The matter of withholding a grant of supplies until the king redressed grievances was a right over which there was a long controversy. The first instance we have of the grant of a subsidy only on condition of a redress of grievances was in 1225, when the barons required Henry III to give a new confirmation of the Great Charter before making the grant. A favorable answer to their petition was also forced from Edward II before supplies

were furnished him. A like demand was made on Henry IV; but he refused it as against ancient custom.

During the reign of Edward III for the first time the Commons came measurably to understand and appreciate the rights which belonged to them. Until this time they had formed no controlling force in Government. They did not seek to take the Government from the king and nobles; but they defended the rights which they possessed, and insisted on exercising the power in Government which they had acquired. They had become an essential part of the political machinery. Before this time political conflicts had been between the king and barons; now it was the Commons, usually assisted by the barons, with whom the king had to contend. The Commons did not resort to civil war, as did the barons; but they constantly protested against abuses in Government, and exerted political power for their reformation. They lay all blame on the ministers, whom they held accountable, rather than on the king, whose person was inviolable. The control of the Commons over the king's ministers by means of impeachment was successfully asserted in 1376 for the first time. But it was not till later than this, perhaps not till the reign of James I, that this right was so firmly established as to be beyond question. However, the impeachment of a minister of so absolute a sovereign as Edward III, as was done in 1376, was a precedent of which the Commons did not lose sight.

The exclusive right of Parliament to legislate and to levy taxes was the subject of a long contest between Parliament and the king; but the root of the doctrine lay in the feudal principle that no law could be made for, and no new burden could be imposed upon, the vassal by the lord without the consent of the body of tenants in General

Council. This feudal doctrine was not put forth as a fundamental feature of Government until the granting of Magna Charta; but in that great instrument the principle is expressly declared. In the reign of Edward I a law was passed declaring that Parliament alone had the right to impose taxes. After, as well as before, the passage of this law the principle was resisted by the crown. Edward III, perhaps more than any other king, was persistent in violating this principle. He exerted every means within his power to get under his own control the raising and disbursement of the revenue. But Parliament as persistently asserted its right, and, although not always successful in eluding the unlawful tax, the exposure of the illegality helped to provide against the recurrence of a like offense in the future. So successfully did Parliament press its claim of right to control the imposition of taxes that by the close of the reign of Edward III it was generally conceded.

As early as the reign of Edward IV an attempt was made to evade this rule by the collection of benevolences. And this custom of requiring benevolences, commenced by Edward, was continued by the Tudors, notwithstanding a law in the meantime, passed in the reign of Richard III, asserting anew the exclusive authority of Parliament over the matter of revenue. Not only did Henry VIII impose forced benevolences, but he also revived the practice of forced loans which had been attempted to some extent by Richard II. Henry's ministers claimed that neither of these practices—benevolences or loans—violated the Parliamentary authority of controlling taxation. It was the house of Stuart which carried to a degree never before attempted the royal claim to raise revenue independent of Parliamentary action. On his accession to the throne, James I issued a proclamation continuing

in force the Parliamentary custom-duties granted to his predecessor. No such royal action had ever before been taken. When the question came before the Court of Exchequer, the pusillanimous judges upheld the royal claim. Parliament attempted to protest, but the king forbade them even to refer to the matter in their debate.

It was reserved for Charles I to press the royal prerogative over the revenue to an extent which cost him his throne and life. In addition to the infringements of the Parliamentary right of taxation that his predecessors had practiced, he invented the new expedient of ship-money. When a judicial determination was sought, a subservient court upheld the royal claim. But the discussion which took place by the ablest counsel in the kingdom enlightened and aroused the people to a sense of their danger. With all of Charles's expedients for raising money he found it impossible to carry on the Government without the aid of his people, and, much to his regret, he was forced to convoke Parliament. The short Parliament of 1640 served to bring out the disposition of the two parties; the king willing to surrender some of his illegal exactions, but insisting on maintaining his prerogative over the revenue, while the Commons insisted on a general redress of grievances before voting any supplies. The king dissolved Parliament, but was forced to call another within a few months.

The long Parliament assembled in the latter part of 1640. Pym, the ablest defender of the Constitution, had traveled through the kingdom prior to the election, calling on the people to send up representatives who would protect their rights. No one in the kingdom had grasped, as had Pym, the Constitutional principles of a limited monarchy, and the true position therein of the House of Commons. It was he who saw and first proclaimed that

the highest power in the kingdom must necessarily be the Commons; that if an irreconcilable difference existed between the Commons and either of the other co-ordinate estates, whether king or lords, the latter must give way rather than the Commons. A careful consideration of this Parliament is necessary for one who is making a Constitutional study of the kingdom. Parliament not only declared ship-money illegal, but it passed a bill providing that no tax of any kind could be levied except by Parliament. The Star Chamber and other irregular and arbitrary courts were abolished, and provision was made for the liberty of the people.

Until the time of Edward III each House made its own grant or levy of tax. They were not usually the same, and each order assumed to bind only those whom it represented. But in the reign of Richard II the practice was changed, and the two Houses united in making the grant, although it did not at first take the form of a legislative bill. As shown by the records, the grant seems to have been by the Commons with the Lords' assent. In the time of Henry IV a conflict arose between the two Houses over some features of the levy, and the discussion shows that at that time the right of the Commons to originate revenue bills was well established.

The exclusive right in Parliament to levy taxes, over which they had so long a contest, naturally carried with it the right to direct their disbursement. This claim was not made so early in Parliamentary history as was that of taxation; but when made, its validity was contested scarcely less strenuously than had been the authority for raising revenue. In the reign of Henry III the barons granted a subsidy to be expended under a committee of their own number, and as early as the reign of Richard II Parliament had granted supplies for a particular purpose,

and had repeated the act in the time of Henry IV, in the latter instance appointing their own treasurer to make the disbursement. In 1624, at the request of James I, Parliament had directed how a certain appropriation should be expended. This same action was repeated once or twice in the long Parliament during the time of Charles I. After the Restoration the practice was revived in 1665, under Charles II, and from that time the common practice was for Parliament to make levies for particular objects, and to direct for what the public money should be expended. In 1666 a bill was introduced, which was not passed till the following session, providing for a Parliamentary commission to examine and report on the expenditure of the revenue.

During the reign of Edward III it became common for the king to consult the Commons as well as the Lords respecting the matters of war and peace, and also on many other subjects of Government which had been considered especially within the king's jurisdiction. This practice was very generally followed by Henry IV, and was to some extent observed in other reigns. The Commons had acquired such self-confidence during the reign of Edward III that they demanded an account of the expenditures, a cessation of oppressive and illegal taxation, and entered upon a general investigation of the Government, and impeached two of the king's ministers. All during the reign of Elizabeth the Commons were insisting on their right to inquire into and provide a remedy for every abuse in Government, but the crown as strenuously denied any such right. It was a prolonged contest between the two forces, one intent on maintaining the prerogatives of the crown, the other insisting on the recognition of the privileges of the Commons.

It was not till after the Revolution of 1688, and during

the reign of William III, that the privilege of Parliament was fully recognized to investigate the official conduct of all public officers, and to inquire into all matters of Government. As incident to this right it was conceded that they had authority to summon and compel the attendance of witnesses and the production of documentary evidence.

From the organization of Parliament the Commons had been in the habit, at each session, of petitioning for such action as they deemed necessary for the public good. For a long time the royal answer to their petitions was not given till their work was all completed, and they were about to be dismissed. If the king refused their request, they had no remedy. In the time of Henry IV the Commons requested the king to make answer to their petitions before they made their grant of supplies; but the king refused this because it was contrary to ancient custom. Prior to this, Henry III had confirmed the charter as a condition to the grant of a subsidy, and Edward II had been forced to grant some demand which the Commons made before they would give him a subsidy. But these instances were only the commencement of a contest between Parliament and the crown over the right of the former to control the action of the latter by withholding supplies for carrying on the Government till the king should grant redress of grievances as prayed for. This privilege of Parliament was insisted on to its fullest extent in the reign of Charles I. It was the only method within the control of Parliament for preserving any of the public liberties. All that prevented the king's exercising arbitrary power was the need of more revenue than he could control without the aid of Parliament.

The right to judge causes coming before them, in which both Houses had theretofore participated, was declined by the Commons on their own motion in 1399, and

judicial power was declared to belong to the Lords alone. Thereafter, when the Commons wished to punish other than by impeachment, they resorted to bills of attainder.

It was during the reign of Edward III that the custom of appointing committees by the two Houses to confer and report on matters to be discussed by each House had its origin.

Under Richard II the conflict arose anew as to whether the king could subvert the rights of Parliament and rule alone, or whether Parliament could maintain the rights it had won and preserve popular liberty. During the minority of Richard, Parliament easily won the victory, notwithstanding the efforts of the king and his ministers to establish arbitrary government; and in this Parliamentary struggle the Commons, more fully than ever before, took the lead; almost invariably before this the Lords had been the leaders. From 1389 the power of Parliament declined, and that of the king correspondingly arose. The facts which led to this change are obscure, and it is difficult to determine the cause; but the closing years of the fourteenth century found Parliament only an organization for enforcing royal wishes. By some means Richard had become able to exercise almost absolute authority. But suddenly the power of Parliament was again asserted, and, notwithstanding his seemingly well-laid plans, in 1399 Richard was deposed and imprisoned at the instance of an exile who had no legitimate claim to the throne, and who had landed in the island with less than one hundred followers. By the deposition of Richard II it seemed that the country had freed itself from a tyrannical Government; but sixty years later the Wars of the Roses commenced, and all the bloodshed and disorganization of Government which, for a quarter of a century, followed, may be traced to the deposition of Richard II

and the elevation of Henry IV to the throne. The nobility were nearly all destroyed, and the populace were so demoralized that there was now no efficient power to oppose to royalty. It was because of this, at least as one of the main reasons, that during two hundred years the Tudors and Stuarts were able to wield such absolute and despotic power.

During the reign of the Lancasters—the three Henrys, IV, V, and VI—there were few rights gained, or even attempted, by Parliament; but it exercised without question the rights for which it had struggled during the fourteenth century, so that they were now recognized and seemed assured. It was fully settled that the three estates consisted of the Spiritual Lords, the Temporal Lords, and the Commons, and that the representatives of the Commons in Parliament represented all the laity except the Lords Temporal. The contest that had waged between the crown and Parliament since the accession of Edward I had resulted in establishing the supremacy of Parliament over legislation, taxation, the Ministry, and the general conduct of the Government. The right of initiating legislation and the practice of framing bills in Parliament were established. It had secured for the subject freedom from arbitrary imprisonment and the right of a free jury trial.

During this last period, under the Lancastrian kings, the internal construction of Parliament became improved and fixed, its procedure was determined, and its privileges better established.

With the accession of the house of York, in the person of Edward IV, in 1471, there was commenced an entire change of policy from that established by the contests of the fourteenth century, and observed by the house of Lancaster. With the close of the Wars of the Roses, Parliamentary life had almost ceased to exist, and had

been succeeded by the authority of the Royal Council. Benevolences and forced loans had taken the place of Parliamentary taxation. Arbitrary imprisonment, the subjection of juries to the direction of servile judges who were wholly dependent on the crown, were destructive of personal liberty, and there was no power or spirit in Parliament to interfere for its preservation. While, in theory, the authority of Parliament was scarcely changed, in practice most of its power passed to the crown under Edward IV. Except during the time that the Government was under the control of the Commonwealth, the power which royalty gained in the Revolution which placed Edward IV on the throne remained at its disposal till the Revolution of 1688 sent James II into exile, and placed William III on the throne under Constitutional limitations and Parliamentary control. The destruction of popular Government and the concentration of power in the hands of royalty, which had been so vigorously begun under Edward IV, was renewed by Henry VII, who came to the throne in 1485, and continued under the Tudors; so that at the death of Elizabeth England was almost as much of an absolute Government as existed in Europe. Some of the things leading up to this concentration of power in the crown were the series of wars and the internal conflicts. The war with France was a national contest, in which all the people were interested; royalty received most that it asked to carry it on. The Wars of the Roses were so destructive of the nobility that Edward IV was able, by confiscation of their estates, to raise a sum, added to forced benevolences, sufficient to carry on the Government without being obliged to call on Parliament for help only occasionally. These benevolences of Edward were the germ for Wolsey's forced loans, and the ship-money of Charles I.

Wolsey, with a more far-reaching vision than almost any other English statesman possessed, foresaw the danger to royal absolutism that resided in the Parliament, and his policy was to suppress it. He knew that, if the people attempted to resist the royal will, there was no other institution around which they could so well rally as this ancient assemblage. His policy was not to convoke Parliament at all, and if carried out would have been the most dangerous step ever taken against English liberty.

Cromwell, with more boldness but with less foresight than Wolsey, pursued a different course. Instead of ignoring Parliament, he sought to use it in aid of royal despotism. He thought that by relying on the strength and dignity of royalty he could make the Parliament subservient, instead of harmful, to his policy for making the royal power absolute. The complete submission of Parliament to the royal will during the entire reign of Henry VIII seemed to justify Cromwell's judgment and policy. By a slavish spirit on the part of both Houses, Parliament passed a series of statutes in aid of royal absolutism and in direct antagonism to the old spirit of the liberty of the kingdom. But this spirit of popular submission to the royal will could not be permanent, and it ceased with the reign of Henry.

The new spirit commenced to develop under the reign of Edward VI. The regent who governed during his minority could do little, or had no policy requiring him to make strenuous efforts, towards restraining the development of the growing popular spirit on the part of the people's representatives. However, in addition to an effort to direct the court's favorites to be returned to Parliament by the sheriff regardless of the result of an election, a policy was now introduced of creating new boroughs which would send representatives of the crown's

own selection, and thus help to keep a working majority of Parliament under royal influence. Most of the twenty-two new representatives that were added to Parliament during Edward's reign came from boroughs with no constituency at all justifying their creation. The same policy, to nearly as great an extent, was pursued by Mary, and, in a more limited degree, was attempted to be followed by Elizabeth. But, with all the corruption of money and patronage that the crown could use, added to the creation of rotten boroughs, a majority of Parliament could not be secured on which royalty could rely to carry out its policy in opposition to the popular will. Elizabeth found it more prudent to follow Wolsey's policy and, so far as possible, govern without Parliament, rather than seek to control it. Under her Government, Parliament was summoned at longer and longer intervals. But the uprisings against her Government were heaven-sent aids to English liberty; she was forced to call to the aid of her Government her loyal subjects. And, with a full Parliament, there could be no permanent royal tyranny.

As early as 1403, under Henry IV, the inviolability of members of Parliament from arrest was asserted and at the time acknowledged, but still not directly enforced. It was not till 1543 that the House asserted and exercised the right, through its own action, of protecting its members from arrest under judicial process. At that time the party who had procured the issuance of process under which the member was arrested was taken into custody and imprisoned by order of the House. But in the long Parliament Charles I appeared in the House with his officers, and attempted to arrest five of its members; of course this caused a vigorous protest on the part of the House. However, it was the claim of the king that these members were guilty of treason for words spoken in Par-

liament; and Parliamentary exemption was never claimed to extend to great crimes.

There had been one or two feeble efforts put forth before the time of Henry IV to secure exemption to members from being called on elsewhere for what they might say in Parliament; but such exemption had never been recognized. During the reign of Richard II a member had been condemned as a traitor for having introduced into Parliament a resolution that economy should be observed in the king's household, and that ladies who had nothing to do at court should not be permitted to reside there.

But during the reign of Henry IV, at the opening of nearly every Parliament, the speaker appeared before the king and demanded the privilege of freedom of speech for the members during the session, and this was generally granted. The right may, perhaps, be said to have been established at that time. But by this statement it must not be inferred that it was then generally conceded, nor for a long time afterwards. The very custom of the speaker's going before the king and demanding the privilege of freedom of speech for the members, which was the continual practice, led the Stuarts to assert that this was not a right but a royal favor. The right of Parliament freely to discuss all public measures without being called in question therefor elsewhere, was controverted by James I all during his reign, and also by Charles I during the early years of his reign. He even went to the House himself with his officers to arrest members for what they had said in debate. The right was only fully and firmly established by the passage of a law in 1667, expressly declaring such exemption; at the same time the Lords reversed a judgment of the King's Bench which had sanctioned the royal

interference. From this time this Parliamentary privilege was never questioned.

The practice of publicity in Parliamentary proceedings was first started in the long Parliament, in the time of Charles I, by a law causing its doings and the speeches delivered to be published. This was discontinued under Charles II. It was not till the eighteenth century that Parliament allowed visitors to be present at its sittings, and that has never become a right; to this day the demand of one member is sufficient to clear the gallery.

The right of each House to determine the qualifications of its own members was another privilege which was not enjoyed without a contest. In 1581 its right to expel a member was first determined, and from that time was not questioned. The election of members was reported by the sheriff to the chancellor, and the royal contention was that this officer had the right to determine the result and regularity of an election. But in 1586 the question came up in the House, and, after a full discussion and the report of a committee, the House successfully asserted, over the royal objection, its right to pass on the election of its own members. This decision virtually settled the controversy.

The final test of Parliamentary supremacy over the Ministry was in the time of Charles II, in holding a minister responsible for his correspondence with the French court contrary to the honor of the kingdom, notwithstanding the whole correspondence had been under the king's absolute direction.

In the reign of Henry VIII, Parliament enacted that, under certain circumstances, the king's proclamation should have the force of law. This law was repealed by the first Parliament of Edward VI. Nevertheless the per-

icious practice of supplanting the exclusive right of Parliament to legislate by the issuance of royal proclamations, with the force of statutes, was continued by Elizabeth, James I, and Charles I.

In 1689 the Parliament refused to settle on William for life the revenue which it had been the custom for centuries to grant a sovereign on his accession to the crown; it made the grant for only one year. To this, perhaps, more than to anything else which the Revolution affected, is due the augmented power of the Commons. At this time, also, commenced the practice of requiring a more careful and systematic estimate of the contemplated expense in the different branches of Government, and more specific provisions and restrictions were made for the expenditure of the funds only for the objects indicated. Officers were forbidden, under severe penalties, from drawing orders on any fund except in accordance with the appropriation.

The Bill of Rights, passed in connection with the act declaring the succession of the crown, after the accession of William and Mary, announced those fundamental principles of free government, most of which had, for centuries, been claimed by the people, and sometimes apparently established as a part of the Constitution, which had been denied by the crown, more especially the Stuarts. Among the principles thus asserted were the binding force of all laws passed by Parliament, and no power in the crown to suspend their enforcement; the illegality of all courts or commissions created by the crown without authority of law; that the levy of money, as a prerogative of the crown, without consent of Parliament, is without authority and illegal; the right of the subject to petition the king without liability for his utterances in the petition; the freedom of speech and debate in Parliament without

being called in question therefor by or in any other body or tribunal; the illegality of pardons granted before the commission of the offense.

Not so much the open and notorious change in Constitution and law as in the spirit which entered into the interpretation and application of Constitutional principles, is the Revolution of inestimable value in the cause of liberty. The doctrine of uncontrollable prerogative, which had been the pole-star of the house of Stuart, now became as repugnant to the crown as to the nation. No one longer cared to espouse the doctrine of passive obedience as a cardinal article of belief. The old theory of the crown had been that Parliament was the creation and existed by the sufferance and grace of the sovereign. The new and correct doctrine was now established, or, rather, the ancient doctrine was now re-established and generally accepted, that supreme power, including the right of regulating the succession to the crown, was in Parliament. It had been claimed that the king was the primary source of power, the fundamental principle of the Constitution. The Revolution put him under law. Right to dispense with all law, because all law is the king's law as a sovereign prince, was a theory of the past, and which no one thereafter had the impudence to assert.

During the reign of William III another Triennial Bill was passed, whereby every Parliament expired by its own limitation at the end of three years from its election. This was supplanted by the present Septennial Bill, passed in 1717, by which a Parliamentary election must occur at least once every seven years. As a rule, no Parliament lasts so long.

As far back as the Lancastrian kings borough elections had ceased to express the popular will. During the time of Henry VII borough government was concen-

trated in an oligarchy, and only the large property owners had any voice in it. The Disfranchisement Act of Henry VI restricted the voters to much narrower limits than had theretofore prevailed. This was followed by aristocratical and court corruption in the management of elections.

In 1832 a Reform Bill was passed whereby representatives for many "rotten boroughs," which were really without inhabitants, were discontinued, and cities and towns which had grown into importance since the organization of the House of Commons were given representation. In 1867 an additional extension of suffrage was granted, whereby a large increase was made in the voting population and a more equitable adjustment in Parliamentary representation was secured.

In 1870 great improvement was made in legislation affecting public education. The whole kingdom was divided into districts, and provision was made for local taxation and also Parliamentary grants in aid of education. Large power was given to School Boards in respect to remitting school rates to those unable to pay, and to compel the attendance of children in school for a certain time.

While the king is nominally at the head of the Government, and, from his exalted position, must necessarily exercise much influence, and, of course, more or less so as he is a person of high character and superior ability or lacks these qualities, still, in practical working, the control of the Government is in Parliament. The king can do nothing except through and by the consent of his ministers. While these ministers are nominally appointed by him, they are selected from the dominant party in Parliament, and can retain office no longer than they are in accord with the majority of Parliament, whose policy they must represent and carry out.

The Ministry consists of more than thirty members,

each with some especial department of Government under his supervision. While there is no law nor any universally-established custom fixing the department which shall be held by the prime minister, he is most generally the first lord of the treasury.

The Cabinet is not a legal body, but consists of about one-half of the Ministry, being those influential ones on whom the sovereign and the prime minister more especially rely to frame the policy to be outlined and recommended to the Government.

SOURCE OF ROYAL TITLE.

During the time of the Anglo-Saxons and the Danes, in theory, the crown of England was elective, and hereditary after the Norman conquest. But under the Anglo-Saxons the crown was almost as regular in descent as though it had been hereditary, while under the successors of William the Conqueror its control by Parliamentary action has been so frequent as to justify the assertion that, notwithstanding its hereditary character, the nation, through its Parliament, has reserved to itself the right of ultimate decision on the line of royal descent.

I need not refer particularly to the control of the crown by the Witena-gemote. That its authority was great, if not absolute, till the close of the Anglo-Saxon period, is shown in the fact that it successfully outlawed the Duke Swegen, compelled Edward the Confessor to recall Godwin whom he had banished, and, on the death of Edward without issue, elected Duke Harold king. It was also the Witena-gemote, perhaps irregularly called and imperfectly constituted, to which William appealed after his victory at Senlac as to whether the English would have him for their king.

Whatever irregularities there were in the succession

to the crown during the first century after the conquest, on the basis of its rightful descent according to the feudal standard and the law of primogeniture, may be attributed to the natural violence of the times and as resulting from the use of force, and in no degree because of any claim of inherent right on the part of any organization in existence to control or change the line of descent. Evidently the understanding of the nation was that the Normans brought with them, as applicable to the crown, the feudal rule of descent. That this was the rule intended to be followed is beyond question; whatever deviation there was from it was an irregularity to be accounted for according to the facts and circumstances of the particular case.

The first positive and unmistakable claim on the part of Parliament rightfully to control the crown was in 1327, when it deposed Edward II on account of his indolence, incapacity, and violation of his coronation oath. It thereupon immediately proclaimed his son king as Edward III. The next exercise of this Parliamentary right was near the close of that century. During the early years of the reign of Richard II his favorite minister had been executed, and he had been forced to submit to a Council of Regency. When he obtained control of the Government he proceeded to secure the enactment of such measures as would make his authority absolute, and would render him practically independent of Parliament. Whatever acts he performed that may be considered meritorious offended one class of his subjects, and the general severity of his reign made the rest of them his enemies; so that all of them were ready to unite for a redress of grievances. In 1399, Parliament refused to accept his abdication, but by vote solemnly deposed him for breaches of his coronation oath. So far, Parliament had only followed the precedent set in the deposition of Edward II. But they now pro-

ceeded to a step which Parliament had never before taken, and that was to change the line of descent.

Richard II, the eldest son of Edward III, had no issue, and his oldest brother, the second son of Edward III, had died without issue prior to Richard's deposition. According to the rules of descent as then well understood and established, and, I may say, as universally practiced, this left Edmund, a descendant of Edward III through his third son, the Duke of Clarence, with a clear legal right to the throne. But he was a boy only six years old. Parliament now asserted, what it claimed to be its ancient right, its privilege of choosing a king from among the royal heirs. Passing over Edmund, who, as I have shown, had a clear legal title to the throne, Parliament chose the oldest living heir of John of Gaunt, the fourth son of Edward III, who, in 1399, ascended the throne as Henry IV. This was the origin of the contest between the houses of Lancaster and York, from which the nation was to reap such baleful results.

The most that could be claimed for the house of Lancaster was that, by a Parliamentary revolution, Richard II had been deposed, and that the same Parliament which had exercised the right of deposition had elected as his successor the Duke of Lancaster. The claim must have been that the Parliamentary authority over the crown was complete, not only to depose a king, but also to designate his successor, and in doing so to change the line of descent.

The change back from the house of Lancaster to the house of York was rather by forcible revolution than by Parliamentary action. The Duke of York presented his claim to Parliament, and asked its action in his behalf. Parliament refused to depose Henry VI, but agreed that, on his death, they would recognize the Duke of York

as king instead of the son of the then king, Henry VI. This action of Parliament was not satisfactory to either party, and, as a consequence, the Wars of the Roses commenced, resulting in placing the Duke of York on the throne in 1471, as Edward IV. This change of dynasty can pass for nothing less than a revolution. It is true it placed on the throne the true heir, by lineal descent according to the rules of primogeniture, of Edward III. According to this rule, the ancestors of Edward IV should have been occupying the throne since the deposition of Richard II in 1399. But Henry IV, while not having the best claim to the crown according to the recognized rules of descent, had the free vote of Parliament giving to him the crown, followed by the free acceptance of his reign by the people. His son, Henry V, succeeded him on the throne without dispute, and was recognized by the whole kingdom as its legitimate sovereign. On his death no one contested the right of his son to succeed him as Henry VI. This would seem to give such a title to the crown as could not easily be set aside. If Henry VI had possessed the ability of his grandfather, he would probably not have been succeeded by Edward IV. But the ill success of his reign, in connection with his mental derangement, made the nation anxious for a change and ready to welcome a return to the legitimate line in the person of the able Edward IV.

Nothing need be said of the usurpation of Richard III. His so-called election by Parliament possesses nothing of that free action of the nation's representatives to which most of those could appeal who had succeeded to the throne out of the regular order and contrary to the true line of descent. However, the action of Parliament gave him a semblance of right to rule. No claim was or could be made for his rule on the ground of descent. The action

of Parliament asking him to assume the crown was taken while the true king, Edward V, was imprisoned in the tower, and without any action whatever deposing him. His best, and practically his only, title to the crown was his sword.

The legitimacy by Parliamentary action of one of the ancestors of the Duke of Richmond gave him no claim to the throne, and although the crown which fell from the head of Richard III on the field of Bosworth, in 1485, was immediately placed on the head of the conquering duke, Henry VII could make no legal claim as king till his election by Parliament, which occurred soon thereafter; for, while Parliament attempted to evade the question of legitimacy, its action may fairly be said to be an election. Henry Tudor was the last descendant of the house of Lancaster, and, although not entitled to succeed to the crown by the rules of descent, on account of the illegitimacy of one of his ancestors, even though the house of Lancaster had been the true line of sovereigns, still, there was no one left to contest his right. Besides his Parliamentary election, Henry married Elizabeth, daughter of Edward IV, the direct and recognized heir of the house of York. Thus was ended the Wars of the Roses in the union of the recognized heirs of the two houses; and whatever might be said against the title of Henry VII, every one must concede that the title of his son Henry VIII was perfectly legal.

During the reign of Henry VIII, Parliament passed a law allowing him to designate by will, or otherwise, the succession to the crown after his death. In accordance with this authority, he executed a will, as is generally believed, although some assumed to doubt its genuineness, naming his three children, and, in default of issue on their part, to the heirs of his second sister Mary and her hus-

band, the Duke of Suffolk. The right of the sovereign and the two Houses of Parliament to regulate the succession of the crown was recognized, through all of Elizabeth's reign, by repeated requests of Parliament to the queen to take such action as would provide a proper successor for the throne. In default of Parliamentary action changing the law, the right to the succession, on the death of Elizabeth, appears to be clear in the parties named in the will of Henry VIII. Up to the time of Elizabeth's death no one seemed to be at all sure as to who would succeed her. And yet, when that event occurred, without any action of Parliament, the Royal Council, no one appearing to object, assumed the right of designating James Stuart, of Scotland, a collateral heir of Henry VIII through his oldest sister Margaret, as legally entitled to the throne. Apparently no account was taken of the will of Henry VIII or the rights of those named therein. In view of the recognized right of the king and Parliament to regulate the descent of the crown, on the assumption that the will of Henry VIII was genuine, the best claim that James I would seem to have to the crown was his general acceptance by the nation, and the recognition of his right by Parliament when it assembled, although no direct Parliamentary action recognizing the legality of his title seems to have been asked or had.

No one could well question the title of Charles I to the throne after its unchallenged occupancy by his father for more than twenty years. His deposition by Parliament was wholly on account of his misgovernment, and with the claim of absolute right in Parliament to control and dispose of the crown. Of course, the Government by the long Parliament, and subsequently by Cromwell as Protector, was purely revolutionary; for, whatever right Parliament had to control the crown, there was no pre-

tense of a right on its part to change the Constitution, subvert the Government, and supplant the monarchy by a Protectorate or any other kind of Government. Such change of Government was not one of right, but of force.

The last deposition of an English king, and the most important of all the changes of dynasty, was in 1688. Not one of the Stuarts had claimed to rule by Parliamentary authority. No such pretension of royal claim was ever before made as was set up by this house. The haughty and high-spirited Tudors had been mild in comparison with the pretensions of the Stuarts. Nothing less than a divine right to rule was thought of by one of the Stuarts as the basis of his claim. During the reign of Charles II the Parliamentary authority over the succession was attempted to be exercised by the exclusion of the Duke of York from the inheritance; but this bill failed to pass, not because of a supposed lack of power, but because it was not, under the circumstances, deemed expedient. However, during the discussion of this matter in Parliament, the divine right to rule was asserted in the boldest manner. But the evident intention of James II to subvert the Constitution, change the established religion, and establish a despotic rule was so apparent and so deeply impressed on the nation, that Parliament asserted its authority, and not only deposed the king, but changed the whole order of the succession.

Whatever question any one may have had prior to 1688 as to the authority of Parliament to interfere in the matter of controlling the crown, no one has ever had any doubt on that subject since that time. The only claim of right which could be made by any sovereign since James II is that of Parliamentary choice. James II was deposed and all of his descendants declared incapable of inheriting. William and Mary were placed on

the throne with no pretense of right except Parliamentary election. The order of succession was then declared. Subsequently, and during the reign of William III, a new Bill of Settlement was enacted, placing the line of descent in the house of Hanover. When George I ascended the throne, in 1714, it was with no claim of title other than the action of Parliament. While the subsequent line of descent has continued in this house, there is no doubt about the authority of Parliament, should occasion require, to depose the reigning sovereign, set aside the whole house of Hanover, and place the crown on, and the line of descent in, an entirely new family.

CLAIMS OF ROYALTY.

To trace the Constitutional growth of the British monarchy it becomes important to know what was the claim and extent of royal power at different periods in its history. Little or no influence was exerted on later royal authority by that wielded by the line of Anglo-Saxon kings prior to the Norman conquest. It is true the people loved to appeal to the laws of Edward the Confessor, and some of the Norman kings won the people's confidence by promising to observe them. But no one thought of appealing to the reign of Edward the Confessor, nor to that of any of his predecessors, as a precedent for enlarging or limiting the authority of any king who ruled after the conquest. From Edward the Confessor to William I was not merely a change of dynasty, nor a revolution; it was a real conquest, a substitution of one civilization for that of another, a supplanting of one form of Government for that of another of an entirely different character. Our study of this feature of the English Constitution will, therefore, not go back of 1066.

When William, Duke of Normandy, landed in England

and had gained the battle of Senlac, he started out, not as a conqueror, but as one who desired to obtain the English throne much in the same manner as those who had ruled before him had obtained it. Harold, who had succeeded Edward the Confessor, was only a Saxon nobleman, and was wholly without royal blood. He had obtained the throne on the strength of his immense power and by vote of the National Witenagemote. These were the means by which William hoped to obtain it. He had the power, and he set out to secure the election; in this, at least in a measure, he succeeded. Had the English submitted to his rule as they had submitted to that of Harold, the course of English history might have been very different from what it has been. But the English rose in revolt, and the conquest ensued. By it William was changed from a Constitutional ruler to an absolute conqueror. His Government became a military despotism. Whatever authority was shared by any one else in the Government was a concession from him, and not because of any claim of right.

The tendency of Saxon institutions had been towards the same end as had been reached by the barbarian conquerors on the Continent. Had it not been for the Norman conquest the result might have been the same in England that it had been on the Continent. But the two people with the same origin, with similar institutions, customs, and laws, one with six hundred years' occupancy of the country, the other from a country where two hundred years' occupancy had given them settled principles and a firm Government, came in conflict and developed a civilization and a form of Government which neither could have attained alone.

The adoption of feudalism by William as a part of his English policy introduced into his Government of absolut-

ism an element, the development of which was to wrest from the crown much of its absolute authority, and to place between the king and the subject another force having sufficient strength successfully to contend with royalty. According to feudal law the barons who held directly of the king had a right to sit in his Council, and no new law could be passed and no new tax or other burden could be imposed on his tenants without their consent in Council. Here was the germ of that sacred right of taxation by Parliament alone, which proved to be the fundamental principle of English liberty.

During William's life his control over his barons, his strength of character, and his great ability, made his Council almost entirely subservient to his will. He consulted them on all occasions, and took their advice on all matters, but his will always remained supreme. Not one of his successors was so tyrannical as William, for none of them had the strength and ability which he possessed. But for more than a century William's grasping spirit to extort from his people all that he fancied would aid his power or please his fancy found expression in his successors.

The first two kings who followed William were both usurpers; the first, however, apparently with his father's sanction. By feudal law which the Conqueror had introduced, his oldest son, Robert, should have succeeded him; but to his exclusion, first William Rufus, and then Henry, younger sons, seized on the throne. Governing without legal right made them somewhat dependent on the good will and favor of their subjects. So far as their strength would allow them, each of them carried out the policy of his father. The profligate character of William II required an extraordinary revenue, and led him to exercise to their fullest extent the royal prerogatives respecting

feudal burdens and Church benefices. This unlimited claim which the two Williams had made on their barons, Henry changed for customary fees, and also renounced the custom of plundering the Church, in which William had indulged. But what was of most importance in the way of acquiring Constitutional securities was the promise made by Henry to restore to the people the laws of Edward the Confessor. Probably no one could tell just what the laws of the Confessor were; but the Saxon laws were very much less rigorous than were those of the Normans, and Henry's promise to restore the former was a consent to the people's prayer for a redress of grievances, and may be taken as the foundation for similar claims subsequently made.

Stephen, like the two preceding kings, was a usurper, and whatever he did can hardly be said to have seriously affected the Constitutional history of the country.

The rule of the Plantagenets, extending over a term of nearly one hundred and fifty years, from 1154 to 1399, was, perhaps, the most important period of Constitutional growth that the kingdom ever witnessed. The main features of this have been spoken of under another head. I will here briefly refer to some of the claims put forth to perpetuate and extend royal power.

Henry II was one of the best and one of the greatest of English kings. He cared more for the progress of his kingdom than for the form of royal prerogative, and, without hostility to other authorities, he was willing to put aside anything that hindered good government. His judicial and administrative reforms were instituted for the purpose of securing the best interests of all classes of his people regardless of how they might affect royal authority. The cause of popular rights was especially advanced by his judicial reforms and the elaboration of his provi-

sions for jury trials. He commuted the personal attendance due from his barons for a money payment—scutage—whereby he became master of his resources, so he could maintain a force of mercenary soldiers; by this the military power of the nobles was broken. He then, by his Assize of Arms, in 1181, restored the old national militia of the Saxon times, whereby every freeman was rendered liable to serve in the defense of the realm. This put the whole military force of the nation at the king's disposal, without the disadvantages of feudal service.

There was nothing in the reign of Richard I to require mention. All the claims of John served to unite the country against him, and to destroy rather than enhance the royal power. His absolute unfitness to rule was shown in his subserviency to the pope at the expense of his own kingdom. Henry III was more worthless than wicked. He put forth all sorts of royal claims, but did not have the spirit and firmness to maintain them. Despite his royal pretensions his reign was one which told for popular liberty. He asserted the exclusive authority of the sovereign to legislate, but it was in his reign that the Commons were admitted as an integral part of Parliament. The contests that had almost constantly been going on between the king and barons up to this time had resulted in the limitation of sovereignty, the division of power in the Central Government, the supremacy of law, the right of the subject to resist oppression; these were all recognized principles of Government before the close of the reign of Henry III.

Edward I was a great lawyer. He abhorred disorder and undefined and undefinable measures of Government. He made no new claims of royal prerogative, but he insisted on a definite acknowledgment of those which belonged to him. He had a high idea of royalty, and would

recognize no unrecorded claim of authority in others. To this feature of his character we are largely indebted for the more thorough and systematic organization of the courts of justice and the Parliament. Edward's illegal exactions, of the Church and from his subjects alike, were put forth to meet actual necessities rather than with any serious claim that he was exercising only a royal prerogative. Such illegality was more easily remedied than was that of the Stuarts.

Edward II sought to free himself from control in Government by choosing ministers from the lower classes who were wholly dependent on himself. The struggle of his entire reign was to rule independently of Parliament. But this ended in his formal deposition by Parliament. Edward III, who immediately succeeded him, was constantly engaged in war. To carry on his military projects the king required Parliamentary aid, and this prevented his successful grasp at absolute power, which his disposition naturally led him to attempt. He made strong claims to royal power, but had to give way to Parliamentary resistance in order to secure necessary grants for his expenses.

The reign of Richard II exhibits almost unaccountable contradictions on the part of both the king and Parliament. During the early years of his reign, Richard seems to have been possessed of little authority or influence. He then asserted his authority, and for some years used it wisely. With no apparent reason, Parliament lost all authority and became an instrument of the king in an administration of absolutism. There had, perhaps, been no time since the development of Parliamentary Government when the crown had been more absolute. Forced loans, interference in the administration of justice, outlawry of citizens, and a general despotism marked his

reign. But the national spirit was dormant rather than dead, and at last broke forth in the Parliamentary action deposing the king and placing on the throne the house of Lancaster instead of the lawful heir in the house of York.

Royalty won nothing in the way of prerogatives during the Lancastrian rule. Indeed, their title to the crown was so uncertain, and their occupation with foreign wars so constant, that they were placed almost at the mercy of Parliament. The period of the three Henrys—IV, V, VI—witnessed, if not the growth, at least the consolidation and establishment, of Parliamentary privileges which became precedents for liberty in later contests with the crown in the time of the Stuarts.

Under Edward IV the assembling of Parliament was nearly discontinued, and the powers it had so long exercised were, in a large measure, assumed by the crown. Instead of convoking Parliament to levy taxes, he called before him the rich merchants of his realm and secured from them what he termed benevolences. In this he was the schoolmaster of the Tudors and the Stuarts. The short reign of Edward V is of no importance, as he was in prison during all the time, and was finally murdered. Richard III had no character to maintain, and to secure the kingdom was willing to do anything necessary. His short reign had no Constitutional effect on the monarchy.

The reign of the Tudors was marked throughout by the high character of the royal prerogatives asserted and maintained by the crown. Henry VII, the first of the house, came to the throne through a revolution. His title to the crown, illegal and revolutionary at first, was made certain and undisputed by the action of Parliament and his marriage to the daughter of Edward IV. It has been asserted by historians that the reign of Henry VII marks a new era in English Constitutional history. Perhaps the

facts may warrant such a statement if it were properly qualified and limited; and yet I am disposed to think that the character of this reign differs little in principle, so far as it affects Constitutional questions, from that of Edward IV. Parliamentary Government may be said to have closed with the reign of Henry VI, not to be resumed till the time of Charles I. I do not mean to say that during most of that period Parliament was not active in the affairs of Government, nor that it did not exert a restraining influence on the crown. And yet when we compare the authority exercised by the king and that exercised by the Parliament during this period with that exercised by these powers respectively during reigns preceding the reign of Edward IV, and also with those subsequent to the Revolution, the difference is so perceptible that one can have no difficulty in saying that Edward IV, the Tudors, and the Stuarts wielded a force in Government unknown to those who preceded as well as to those who followed them. The royal claims of the whole house of Tudor were so similar, and the extent of authority exercised by each of them was so nearly the same as that possessed by every other one, as scarcely to require a separate discourse on each of the sovereigns. The use of royal proclamations in place of Parliamentary enactments, the raising of revenue by so called benevolences and forced loans in all cases where Parliamentary subsidies were not granted to the extent desired, and, in general, the substitution of the royal will for that formerly exercised by Parliament, characterizes the Tudor dynasty. This usurpation of authority by the Tudors extended to the judicial as well as legislative department. The courts, as well as Parliament, were theoretically in possession of all their powers, and no new laws had deprived the people of their liberties. But while there was no right to detain a subject without

a sworn complaint, during nearly all the time of the Tudors the Privy Council assumed the right to commit, with no authority in any inferior tribunal to inquire into the cause of detention.

We are in the habit of looking on the Stuarts as the most despotic of all the sovereigns who have ruled in England, and probably this is not an unjust or unwarranted conclusion. But the difference in the extent of authority exercised by the Stuarts from that which had been wielded by the Tudors was not so great as we might at first thought be led to suppose. Each line of sovereigns aimed at absolutism in Government. The Tudors practically attained their end, largely through their ability and their good judgment in knowing how to yield when they had pressed the royal prerogative to the full extent to which the nation would allow them to go without a revolt.

At the opening of their reign the Stuarts had no better title to the crown than was possessed by the Tudors when Henry VII came to the throne. The legal title of James I to the crown placed on his head at Westminster was no stronger than it was in Henry VII to the crown he picked up on the field of Bosworth. Each felt in need of legally strengthening his title to the crown he had received. Henry VII proceeded to fortify himself by securing the election of Parliament, a union with the only heir of the contesting house, and the general approval of the kingdom. James I took an entirely different course. He put forth claims never before heard of in the kingdom, or, at least, no one in his position had ever attempted to maintain them as substantive facts. His claim was that he ruled by divine right, that his title to the throne had its foundation in heaven, and was beyond the reach of Parliamentary action. The action of Henry VIII and his Parlia-

ment, in trying to change the line of descent, was, in the eyes of James, illegal and without any force whatever.

The same claim which James put forward in respect to this title to the crown was asserted for the royal prerogatives. There was, according to his claim, no power in the nation to limit the royal authority. The only thing which the king could not do was to consent to a limitation on the royal prerogatives. The king had no power to surrender, and Parliament had no power to acquire, any authority ever possessed by the crown. In this one respect both king and Parliament stood on an equality; both were without power to act.

What I have said of James I characterizes every member of his house. It was, perhaps, in Charles I that the principle of absolute authority was most strongly developed, and Charles II that it affected least. With the Stuarts, as with the Tudors, their greed of power extended to every feature of Government, to the judicial apparently even more than to other departments. The right of the subject to have the legality of his commitment judicially inquired into was a common law right, but it was so abused by the Stuarts that Parliament, in the time of Charles II, had to pass the habeas-corpus act, and to require the Government to proceed with the trial within a prescribed time after the arrest of a party. James II, the last of this line, pushed the claim of absolutism and the divine right to the royal prerogatives to an extent which brought on the Revolution and cost him his throne.

It is not worth while to mention any rule after the Revolution of 1688; for no sovereign after that time presumed to disregard the national will as asserted in Parliament. Efforts might be, and were, put forth to influence the popular will, and to try and procure Parliamentary assent to the exercise of a large amount of royal power.

But the divine right of kings perished in the Revolution, and the supremacy of Parliament in the affairs of Government was never after that time seriously questioned.

GROWTH OF ENGLISH LIBERTY.

Free government can be permanently maintained only on the theory that all absolute power is illegitimate and contrary to the true principles of government. Liberty that is worth the name rests on recognized and consecrated rights, which rights must be entrenched with substantial guarantees that are maintained by forces independent of themselves. In different parts of this work I have treated of some of these guarantees and forces. Among the first efforts at securing liberty, charters were obtained which recognized certain rights. These rights were at length better recognized and more fully established by repeated confirmations of these charters. Then sprang up the element of Parliamentary power, the exercise and development of which formed guarantees for the preservation of the rights which had been established. Then the various and separate powers of Government were put in operation, and these contained forces through which the guarantees of liberty were maintained.

Even at the risk of repeating things I have already said it is here proposed to summarize some of the facts showing the development and growth of liberty and its establishment under the English Constitution, which have already been treated of somewhat in detail. The inquiry naturally arises, Why should free institutions have been developed and preserved in England to a greater extent than in other European countries? The people inhabiting most of the countries of Western and Southern Europe had the same origin as did those of England. The circumstances of the settlement of the barbarians in the

territory of Constitutional Europe on the fall of the Roman Empire were not very different from those attending their settlement in England. From the fifth to the twelfth century there were scarcely any more traces of Representative Government in England than in the countries on the Continent. In all of these countries there were more or less conflicts taking place between free, feudal, and monarchical institutions. On the Continent the people who had been conquered were an enervated race, with no spirit successfully to withstand the conqueror. But the Saxons were as bold and warlike as the Norman conquerors. On the Continent there were conflicts between the conquerors themselves; but in England the conflicts were between the conquerors and the conquered. As the Norman nobility were among an enemy ever ready to attack, they were naturally drawn together and found their interest in giving strength to the royal power. The Saxons, likewise, had to unite to resist the invasion and extermination of all their rights. On the Continent the nobility, being in no fear of the natives, used their efforts to acquire power, each for himself, and to limit the power of the king. Thus, on the Continent, central power was disintegrated and rendered inefficient; in England it was strengthened and consolidated. On the Continent what central power there was rested in the king alone, while in England it was exercised by the king and Council. On the Continent feudalism established its own institutions and administered its own laws; in England the Saxon local courts were preserved, and feudalism had to contend with royalty and the free Saxon institutions. In England these conflicts resulted in the complete establishment of Representative Government and the security of personal liberty for the subject, while in the Continental countries they generally resulted in the establishment of absolutism.

There are certain fundamental principles inherent in Representative Government, without which it can not exist, and with the establishment of which its success is assured. Among these are election by the people, division of power in Government, publicity in all Government matters. Of the extent to which popular choice was recognized in the selection of officers I will only say here that, at least from the establishment of the Commons as a part of Parliament in the thirteenth century, popular elections have always formed a striking feature of English rule. While, for two hundred years or more, there was not the publicity in Parliamentary proceedings which later times have secured, there was never practiced in England what may be called secrecy in Government. In reference to the division of power, it may safely be affirmed that such principle has always prevailed in English monarchy. If, upon the Continent, William I was absolute, that character in his rule in England existed no longer than till the principles of feudalism were established. Practically, from the first, the Government has been by the king and Council. These two forces were constantly in conflict. Neither had any conception of popular liberty; nevertheless, we must look to the work of the Council as a power in Government as the source of popular liberty. Absolute power, sovereignty in fact, as an established right, was never attributed to the king alone. Whatever claims to the possession of such a right may have been put forth by some sovereigns, such claims were never conceded, but were always controverted by the nation. The limitation of royal power was, from the first, a matter of public right. Each tenant holding direct from the king had a right to a seat in his Council, and no new law could be passed to bind these tenants, nor could any new burden be laid on their property, without their consent in Council. This fundamental principle

of free government thus established, though not always recognized or acted on, was the germ of legislative power and true liberty.

From the division of power may also be traced the easy formation and growth of Representative Government as found in the House of Commons. When the towns had attained that importance that their aid was needed, and their wishes must be consulted, their representatives were naturally called into the King's Council. No new body was created, no new institution was introduced in Government, but a body which had existed from the foundation of the monarchy was enlarged by the introduction of a new order of citizenship, and its functions were somewhat changed to meet the wants of a new condition of affairs in Government. Out of the elements thus composing the Great Council, by natural development the House of Commons was constituted.

It was through the development of personal privileges and municipal rights in the English towns that much of English liberty was secured. This development was commenced in the reign of Henry I, and continued with the growth of the country in riches and commercial prosperity through several centuries. The charters granted to many towns throughout the kingdom were modeled after the one which Henry I gave London at the opening of his reign. Imperceptibly the right of self-government was built up through the contests of the several Guilds, the discussion of municipal matters in the Borough-mote, and the strifes with the superior lord or the king over the maintenance of their chartered rights and municipal privileges. The right which they had secured to have justice administered in their local courts was a protection against royal or feudal oppression.

Scarcely less marked, during this period, was the ele-

vation of the farm laborer. The tenants on the manorial estates had been bound to the soil, and were, in the strictest sense, their lord's property. In ways and by means which it is now impossible to trace, the amount of service due their lord gradually became fixed and limited, and their right to the patch of ground which they occupied became almost as secure to them as that by which the freeman held his. Subsequently the system of leasing was introduced, whereby the lord let his land to tenants for a cash rent or a share of the crop. The term *feorm*, used for this kind of rent, has been perpetuated in our word *farm*, and indicates a higher degree of holding than had theretofore been in use. It was largely through this system that the feudal tie between the lord and his tenants was broken, and by means of which thrifty tenants were enabled to rise in importance and secure better positions. By the time of Edward III the tenant serfs had practically become manumitted, and could go where they pleased.

The acquisition of power by the English burgesses, and the rise in position and importance on the part of the English laborers, made them an element of strength whose aid was sought by each party in the contest between the king and his barons.

English liberty grew with the administration of justice. The administration of English jurisprudence commenced with Henry I. Out of the great Council of the kingdom a limited number were selected who formed the King's Court. This was presided over by the chief justiciar, the highest officer in the kingdom under the king, and to whom the regency was usually confided in the king's absence. A large part of the duties of the court consisted in looking after the royal revenue; but to it was also confided the decision of cases brought to the king because justice had elsewhere failed. Judicial reforms were con-

tinued by Henry II and Edward I, both of whom were possessed of great legal minds. Under Henry II the jury system was established, or, at least, that system was put in operation out of which the jury system grew.

The growth of English freedom may be traced, to a great extent, in the royal charters. Almost invariably these charters were royal concessions made to end a controversy with the barons or the people. Several of the kings held the crown by illegal or imperfect title, and to avoid having it brought in question they were ready to make more concessions than they would have been under other circumstances. The charter of the Conqueror was a promise to his subjects that they should enjoy their lands in peace, free from illegal tallage. Henry I promised to restore to the people the laws of Edward the Confessor. Other kings confirmed charters already given, with an occasional additional privilege promised or conceded. But of all the grants made by the various kings, there is nothing else comparable in its importance to the Great Charter wrung from King John. Scarcely a claim for popular rights has since been made that did not refer to or in some way depend on the Great Charter. It was not simply the acknowledgment of an abstract principle, but, on the contrary, was an enumeration of specific rights in reference to actual conditions of every-day life. It was a direct limitation of the authority of the crown, a security for the assembling of the Great Council, a relief to the tenants from feudal burdens to the same extent that the barons had received indemnity from the crown, and a restraint against all unlawful arrests. This Great Charter was probably violated many times by every sovereign down to the time of the Revolution; and yet not one of them denied its validity or contested the binding force of its provisions. The concession of such rights, even

though they were constantly violated, was a great boon for popular liberty. It was the pole-star of national freedom to which the leaders in every popular movement could refer as a sure and fixed light by which they could safely guide their course.

The growth of Parliamentary privileges, and the corresponding decline in the royal authority and prerogatives, on account thereof, perhaps furnishes the best evidence of the steady increase of popular liberty of all the features of English history. Until the citizen is secure in his person and property, and can control his own movements and destiny, he has nothing worthy the name of freedom. Absolutism in Government was the aim of the Norman kings. Their ideal was nearly realized by William I. But in his reign the practice of consulting his Council on all public questions was well established, although the Council was subservient to his domineering will. However, the establishment of this custom was in itself a valuable contribution to a Constitutional monarchy. The successors of the Conqueror were never able to exercise, unchallenged, the arbitrary authority wielded by him. The Council was constantly protesting against the extension of the royal prerogative, and attempting to substitute their own will for that of the crown. I have referred to the provision made by Henry I for the administration of justice and to his grant of municipal privileges in his charters to towns. These were important contributions to the cause of national freedom.

Perhaps the only Constitutional principle of importance asserted during Stephen's reign was the claim of the nation, through some representative body, to the rightful disposal of the crown and direction of the line of descent. Stephen had abandoned the practice of assembling the Great Council, but in its place the Synod of the Bishops

had assumed to act; and it asserted its supremacy over the crown. It attempted to depose both Stephen and Matilda, who were contesting for the throne, and it finally recognized Henry II as Stephen's successor. As an incident in Constitutional history the result reached on this occasion was not so material as the claim put forth which became a precedent for Parliamentary action in the future.

More of a national spirit was developed under Richard I than had theretofore prevailed. While he was away on his Crusade, his Council deposed and banished his chancellor and justiciar, who was one of the regents of the kingdom, for usurping the entire authority. Perhaps this was the first established precedent for ministerial responsibility.

It was the contest between the king and barons which led to the introduction of the Commons into the legislative department of Government, and to the ultimate formation of the House of Commons. The Earl of Leicester, placed at the head of the Government by the success of the barons in their war against the king, acting in the name of Henry III, summoned representatives of the boroughs in 1265, for the first time, to meet with the lords and knights in the Great Council of the nation, which had recently received the official designation of Parliament. Thirty years later than this they were considered as a permanent addition to the Legislative Body, and were thereafter quite generally, though not uniformly, summoned when Parliament was convoked. For some time all the orders met together, although they acted separately in giving assent to the levy of taxes, as well as in petitioning the king. We are not able to point to the exact time when the two Houses were finally separated; but, in all probability, it was during the reign of Edward II. We have no official knowledge of the House of Commons hav-

ing a permanent speaker till the last year of the reign of Edward III. As early as the time of Edward II it was enacted that Parliament should assemble once or twice every year, and similar legislation took place in subsequent reigns. But it was always the desire of despotic kings to avoid assembling Parliament except when they could not get along without its aid. It was in the reign of Edward III that the first Parliamentary action was taken announcing the necessity of a concurrence of all the orders, including the Commons, for the passage of any general law.

Nearly every one of the great Parliamentary rights and privileges was of slow growth. Most of them were asserted at an early date, were conceded somewhat later, were ignored and invaded by later sovereigns, and finally permanently secured in the Revolution against the house of Stuart. At the opening of the fifteenth century the inviolability of members of Parliament was asserted, but it was not fully established till the middle of the sixteenth century. Their right freely to discuss all measures without being called to an account therefor by any other body was the subject of a long contest, extending from the opening of the fifteenth century till the last half of the seventeenth century.

The foundation of public liberty lies in the exclusive right of Parliament to control legislation and taxation. The germ of this principle lay in the feudal law that a feudal lord could bind his tenants by no new law, nor could he lay upon them any new burden, without their consent. The first distinct official declaration of this principle as applicable to the English Government was in the Magna Charta. Its repeated violation by the king led Parliament, in the time of Edward I, not only to require from the king a confirmation of the charter, but also the passage of a law declaring that no tax should be levied without the consent

of Parliament. The contest over this principle was not fully settled till the nation had driven James II from the throne. At the close of the reign of Edward III it was supposed to be fully established; but it was so frequently violated thereafter by the Tudors and the Stuarts that one can hardly speak of the rule as having any existence during that time.

There are many other Parliamentary privileges which contributed to the growth of liberty which I need not even mention in this recapitulation. At the close of the reign of Henry VI, in 1471, the authority of Parliament was more firmly secured and more generally recognized than ever before. The contest that had been almost constantly waged between the crown and Parliament since the accession of Edward II, in 1307, had resulted in giving to Parliament the right of initiating legislation, of framing its own bills, with no rights on the part of the king to interfere therewith or influence action thereon till they had passed both Houses and been presented to him for approval, supremacy over legislation, taxation, the control of the Ministry, and the general conduct of the Government. The right of the subject to a free jury trial, and his freedom from illegal imprisonment, was then acknowledged.

With the accession of Edward IV, in 1471, there was an entire change of policy. The authority which Parliament had been wielding was now usurped by the king and his Royal Council. Taxation in the shape of benevolences and forced loans was imposed without consulting Parliament. Arbitrary imprisonment and the subjection of juries to the direction of servile judges were destructive of personal liberty. By the close of the contest between the houses of Lancaster and York, Parliamentary life had almost disappeared. Henry VIII came to the throne practically an arbitrary monarch.

The curtailing of the right of suffrage, the corruption of the ballot, and kindred causes, had helped to demoralize and dishearten the Commons, while the strength of the nobility had been broken by the destruction of most of the chief barons in the Wars of the Roses. As a consequence, the power which Parliament had so long wielded now fell from its grasp because of the inability of either Lords or Commons successfully to lead in the contest with the king. Except during the time of Parliamentary control and the Protectorate of Cromwell, the power which royalty gained in the Revolution that placed Edward IV on the throne, remained at its disposal till the Revolution of 1688 elevated William III to the throne as a Constitutional monarch. During the time of the Tudors some attention was given to the remonstrances of Parliament; nevertheless, in most instances, the royal will prevailed. Parliament gave to Henry VIII the right to dispose of the crown at his death, made no firm stand against his illegal plans for raising revenue, gave his proclamations the force of law, and in general allowed him to rule much as he pleased. Some of this royal authority was taken from Edward VI; but Mary and Elizabeth ruled much after the manner of their father. And yet, while Parliamentary privileges had been largely ignored by the Tudors, they had not been destroyed. The personal privileges of the members were considered secure. During all of Elizabeth's reign there was a contest between the crown and Parliament over prerogatives. So that, during this period, traditions of Parliamentary life and privileges were preserved, and many Parliamentary rights were practiced at the close of Elizabeth's reign.

On the accession of the Stuarts, conditions grew worse. Not one liberal thought ever passed through the mind of one of this house. They considered Parliament as having no right except to carry out the policy of the sovereign,

and courts of law as existing only to register and enforce the royal will. The history of all former reigns was ransacked for the purpose of securing precedents for the exercise of royal prerogatives; but every instance of a Parliamentary triumph during that time was looked upon as a usurpation whose action had no binding force on the crown.

I need not here detail the causes which led to a national awakening; but the spirit of freedom which permeated the people found expression in Parliament, and the rights which had been acquired under the Plantagenets, and practiced under the Lancastrians, though dormant under York and the Tudors, were again asserted by the Parliaments of Charles I. The bloody tragedy which resulted from the conflict of the two principles of Government asserted respectively by the king and Parliament, may be deplored, but was not without its beneficial lesson. This lesson, however, was not learned by the king's sons, Charles II and James II, and, as a consequence, there followed the Revolution of 1688.

Not so much the open and notorious change in Constitutional law as by reason of the spirit which entered into the interpretation and application of Constitutional principles, was the Revolution of 1688 of inestimable value to the cause of liberty. The doctrine of uncontrollable royal prerogatives, which had been the controlling principle of the house of Stuart, now became as repugnant to the crown as to the nation. The doctrine of passive obedience now found no one to espouse it as a cardinal article of faith. The theory of the Stuarts had been that Parliament was the creation and existed by the sufferance and grace of the sovereign. The new doctrine was now established, or, rather, the older doctrine was revived and generally accepted, that the supreme power, including the right of

regulating the succession to the crown, resided in Parliament. It was claimed by the Stuarts that the king was the primary source of power, the fountain of all rightful judicial action. The Revolution put both under the domain of law. The right to dispense with law because all law is the king's law, he as sovereign prince being the fountain-head of law, which was the foundation principle of the Stuarts' Government, found no advocate in the whole nation after the exile of James II.

In connection with the act of Parliament calling William and Mary to the throne, and the subsequent act limiting and declaring the succession to the crown, in the Bill of Rights and other statutes, were announced those true principles of free Government which underlie English liberty, and which have scarcely been added to or better stated since their promulgation in the time of William III. Most of these principles had been claimed by the people for centuries as a part of their birthright. Sometimes this claim had been acquiesced in by the crown, at times they seemed to be established principles of Government. But many, perhaps most, of them had been ignored by the Tudors and denied by the Stuarts. Among the principles asserted and established at the time of the Revolution were the following: The binding force of all laws passed by Parliament, and no power in the crown to suspend their execution; the illegality of all courts or commissions not authorized by act of Parliament; the exclusive right of Parliament to pass laws and to impose taxes; the right of the subject to petition the king without liability to be thereafter called to account for the expression of his prayer; the privilege of freedom of speech and debate in Parliament without responsibility to any other person or body for words or sentiments there uttered; no standing army to be allowed without the consent of Parliament; no

royal pardon, either before or after Parliamentary action, to relieve a minister from punishment by Parliamentary impeachment.

Perhaps no Government will ever exist under which the inherent rights of the people will not sometimes be violated. But certain it is that most of the substantial privileges which we look upon as belonging to the citizen have been conceded to, and generally enjoyed by, the people of England since the time of William III. No one with any appreciation of liberty will question that these privileges are worth the centuries of conflict which led up to their establishment. If those patriots whose struggles and sufferings were instrumental in securing these rights can now realize the happiness and prosperity that have come to their descendants through their efforts, they will surely say they are amply repaid for all the sacrifices they were called on to endure.

TABLE OF KINGS.

DENMARK.

<p>803-824 Sigurd Snogoe. 855 Canute I. 936 Gorm the Old. 985 Harold Bluetooth. 1014 Sweyn I, Splitbeard. 1016 Harold. 1035 Canute the Great. 1042 Hardicanute. 1047 Magnus the Good. 1076 Sweyn II, Estrithson. 1080 Harold the Simple. 1086 Canute the Pious. 1095 Olaf I, the Hungry. 1103 Eric I, the Good. 1134 Nicholas. 1137 Eric II, Harefoot. 1147 Eric III, Lamb. 1157 Sweyn III. Contest and partial concurrent reign by Canute IV. 1182 Waldemar I, the Great. 1202 Canute V. 1241 Waldemar II, the Conqueror. Waldemar III, regent (1219-31). 1250 Eric IV (Plogpenning). 1252 Abel. 1259 Christopher I. 1286 Eric V (Glipping).</p>	<p>1319 Eric VI (Menved). 1336 Christopher II. 1375 Waldemar IV. 1387 Olaf II. 1412 Margaret. 1439 Eric VII, of Pomerania. 1448 Christopher III, of Bavaria.</p> <p style="text-align: center;">HOUSE OF OLDENBURG.</p> <p>1481 Christian I. 1513 John. 1523 Christian II. 1533 Frederick I. 1559 Christian III. 1588 Frederick II. 1648 Christian IV. 1670 Frederick III. 1699 Christian V. 1730 Frederick IV. 1746 Christian VI. 1766 Frederick V. 1784 Christian VII. 1808 Prince Frederick, regent. 1839 Frederick VI. 1848 Christian VIII. 1863 Frederick VII. Christian IX.</p>
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NORWAY.

<p>875-933 Harold Harfager. 938 Eric I, Bloodaxe. 963 Haco Athelstane, the Good. 977 Harold Graafeld. 995 Haco, Jarl. 1016 Olaf I, Trygvæson. 1030 Olaf II, Haroldson the Pious. 1036 Sweyn. 1047 Magnus I, Olafson the Good. 1066 Harold Hardrada. 1093 Olaf III, the Peaceable. 1103 Magnus III, Barelegs. Eystein. 1122 Olaf IV. 1130 Sigurd I. 1134 Magnus IV.</p>	<p>1136 Harold Gille. 1139 Sigurd II. Inge. 1162 Erling Skakke. 1184 Magnus V, Erlingson. 1202 Swerro. 1204 Haco III. 1262 Haco IV. 1280 Magnus, Legislator. 1299 Eric II, Priesthater. 1319 Haco V. 1343 Magnus Smek. 1380 Haco VI. 1387 Olaf V. 1412 Margaret. United with Denmark.</p>
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TURKEY.

The Emirs of Turkey became Sultans in 1389, and Caliphs as well as Sultans, in 1512.

1299-1326 Othman.	1640 Murad or Amurath IV.
1360 Orchan.	1649 Ibrahim.
1389 Murad or Amurath I.	1687 Mohammed IV.
1402 Bajazet I.	1691 Solyman III.
1410 Solyman I.	1695 Ahmed or Achmet II.
1413 Musa-Chelebi.	1703 Mustapha II.
1421 Mohammed I.	1730 Ahmed or Achmet III.
1451 Murad or Amurath II.	1754 Mahmoud or Mohammed V.
1481 Mohammed II, the Conqueror.	1757 Osman III.
1512 Bjaazet II.	1773 Mustapha III.
1520 Selim I.	1789 Abdul-Hamid I.
1566 Solyman II, the Magnificent.	1807 Selim III.
1574 Selim II.	1808 Mustapha IV.
1595 Murad or Amurath III.	1839 Mahmoud or Mohammed VI.
1603 Mohammed III.	1861 Abdul-Medjid.
1617 Ahmed or Achmet I.	1876 Abdul-Aziz.
1623 Mustapha I.	1876 Murad or Amurath V.
Osman II, with last.	Abdul-Hamid II.

MONTENEGRO.

1850-1860 Danilo I. | Nicholas I.

ROUMANIA.

1881. — Charles.

SERVIA.

1882-1889 Milan. | Alexander.

BULGARIA.

1879-1886 Alexander of Battenberg. | Ferdinand of Saxe-Coburg Gotha.

GREECE.

1833-1862 Otho of Bavaria. | George of Denmark.

THE HOLY ROMAN EMPIRE.

768-814 Charlemagne.	983 Otho II.
840 Louis the Debonnaire.	1002 Otho III.
855 Lothaire.	1024 Henry II, of Bavaria.
876 Louis the German.	
880 Carloman.	HOUSE OF FRANCONIA.
887 Charles the Fat.	1039 Conrad II, the Salic.
898 Arnulf.	1056 Henry III.
903 Louis the Blind.	1106 Henry IV.
912 Louis the Child.	1125 Henry V.
	HOUSE OF SAXONY.
HOUSE OF FRANCONIA.	
918 Conrad I.	1138 Lothaire.
	HOHENSTAUFFEN LINE.
HOUSE OF SAXONY.	
936 Henry I, the Fowler.	1152 Ccnrad III.
973 Otho I, the Great.	

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HUNGARY.—CONTINUED.

<p>1061 Andrew I. 1063 Bela I. 1074 Salamon. 1077 Geisa. 1095 Ladislaus I, the Pious. 1114 Coloman the Scholar. 1131 Stephen II. 1141 Bela II, the Blind. 1161 Geisa II. 1173 Stephen III. 1196 Bela III. 1204 Emmeric. 1205 Ladislaus II. 1225 Andrew II. 1270 Bela IV. 1272 Stephen IV. 1290 Ladislaus III. 1301 Andrew III.</p>	<p>DIFFERENT DYNASTIES. 1309 Wenceslaus of Bohemia: 1342 Charles Robert of Anjou. 1382 Louis I, the Great. 1392 Mary. 1437 Sigismund. 1439 Albert. 1440 Elizabeth. 1444 Ladislaus IV, of Poland. 1453 Ladislaus V. 1490 Matthias. 1516 Ladislaus VI. 1526 Louis II. 1536 John Zapolya. House of Austria succeeded to the crown; and from this time ruled by the Emperors of Germany and of Austria.</p>
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PRUSSIA.

The Margravate (later Electorate) of Brandenburg was governed by the Ascanian and Ballenstadtes, or Anhalt, line, from 1130 to 1320; by the Bavarian line from 1323 to 1373; by the Luxemburg line from 1373 to 1415. Some of the members of this latter line were Kings of Bohemia, Hungary, and Emperors of Germany. In 1415 the Margravate was purchased by a member of the house of Hohenzollern, since which time that house has been in power. Prussia came under the control of this house in 1525, and the two provinces of Brandenburg and Prussia were united under the same rule in 1618. The margraves became electors in 1486, Dukes of Prussia in 1618, Kings of Prussia in 1701, and Emperors of Germany in 1871.

<p>1405-1440 Frederick I, of Hohenzollern. 1471 Frederick II. 1486 Albert Achilles. 1499 John. 1535 Joachim I. 1571 Joachim II. 1598 John George. 1608 Joachim Frederick. 1619 John Sigismund. 1640 George William. 1688 Frederick William, the Great Elector. † 1700 Frederick III.</p>	<p>1713 Frederick (III as duke;) I (as king). 1740 Frederick William I. 1786 Frederick II, the Great. 1797 Frederick William II. 1840 Frederick William III. 1861 Frederick William IV. 1888 William I. GERMAN EMPIRE. 1871-1888 William I. 1888 Frederick III. William II.</p>
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THE NETHERLANDS—HOLLAND.

<p>1806-1810 Louis Bonaparte. 1814 A part of France. 1840 William I, of Orange.</p>	<p>1849 William II, of Orange. 1890 William III, of Orange. Wilhelmina.</p>
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BELGIUM.

<p>1831-1865 Leopold I, of Saxe-Coburg. </p>	<p>Leopold II.</p>
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NAPLES OR THE TWO SICILIES.

NAPLES.	THE TWO UNITED.	SICILY.
Robert Guiscard.		Roger I.

NORMAN LINE.

1130-1154 Roger II.
 1166 William I, the Bad.
 1189 William II, the Good.
 1194 Tancred.

HOHENSTAUFFEN LINE.

1197 Henry VI.
 1250 Frederick II.
 1254 Conrad IV.
 1266 Manfred.
 1268 Conradine.

ANGEVINE LINE.

1282 Charles I.

ANGEVINE LINE.

1282-1285 Charles I.
 1309 Charles II.
 1343 Robert the Wise.
 1382 Joanna I.
 1386 Charles III, Durazzo.
 1414 Ladislaus of Hungary.
 1435 Joanna II.
 1442 René (Contests with Alfonso.)

ARAGONESE.

1282-1285 Pedro III.
 1295 James.
 1337 Frederick.
 1342 Peter.
 1355 Louis.
 1376 Frederick.
 1402 Maria and Martin.
 1409 Martin.
 1410 Martin.
 1416 Ferdinand.
 1435 Alfonso V.

1435-1458 Alfonso V, of Aragon.

ARAGONESE.

1458-1484 Ferdinand.
 1494 Alfonso.
 1496 Ferdinand.
 1501 Frederick.
 1503 Louis XII, of France,

1458-1479 John II.

1503 Ferdinand the Catholic.

SPANISH LINE.

1503-1516 Ferdinand the Catholic.
 1555 Charles I.
 1598 Philip II.
 1631 Philip III.
 1665 Philip IV.
 1700 Charles II.
 1713 Philip V.

1713-1720 Charles VI, of Germany. | 1713-1720 Victor Amadeus, of Savoy.

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NAPLES OR THE TWO SICILIES.—CONTINUED.

NAPLES.	UNITED.	SICILY.
	1720-1734 Charles VI, of Germany.	
	1746 Philip V, of Spain.	
	1788 Charles III, of Spain.	
	1806 Charles IV, of Spain.	
1806-1808 Joseph Bonaparte.		1806-1815 Ferdinand IV.
1815 Murat.		
	1815-1825 Ferdinand IV.	
	1830 Francis I.	
	1859 Ferdinand V.	
	1861 Francis II.	

ITALY.

DUKES OF SAVOY.		KINGS OF SARDINIA.
1416-1440 Amadeus VIII.		1730 Victor Amadeus II.
1465 Louis.		1773 Charles Emmanuel III.
1472 Amadeus IX.		1796 Victor Amadeus III.
1482 Philbert I.		1802 Charles Emmanuel IV.
1490 Charles I.		1821 Victor Emmanuel I.
1496 Charles II.		1831 Charles Felix.
1497 Philip.		1849 Charles Albert.
1504 Philbert II.		1861 Victor Emmanuel II.
1553 Charles III.		
1580 Emmanuel Philbert.		KINGS OF ITALY.
1630 Charles Emmanuel I, the Great.		1878 Victor Emmanuel II.
1637 Victor Amadeus I.		1900 Humbert.
1638 Francis Hyacinthus.		Victor Emmanuel III.
1673 Charles Emmanuel II.		
1720 Victor Amadeus II.		

SPAIN.

The province of Ovedo or Asturia, over which Pelagius, or Pelga, ruled, was the only part of the peninsula maintaining its independence of Moslem rule. Subsequently several other settlements developed into Gothic provinces: these were all finally united and reduced to two. Leon and other settlements were united with Castile, while Navarre, Catalonia, and other territory combined to form Aragon.

CASTILE.		ARAGON.
1034-1065 Ferdinand I, the Great.		1035-1065 Ramiro I.
1072 Sancho, the Strong.		1094 Sancho the Great.
1109 Alfonso I.		1104 Pedro I.
1126 Alfonso II.		1134 Alfonso I.
1157 Alfonso III.		1137 Ramiro II.
1158 Sancho, the Beloved.		Petronilla.
1188 Alfonso IV.		Raymond.
1214 Ferdinand II, regent.		1196 Alfonso II.
1217 Henry I.		1213 Pedro II.
1252 Ferdinand III.		1276 James I.
1284 Alfonso VI, the Wise.		1285 Pedro III.
1295 Sancho.		1291 Alfonso III.
1312 Ferdinand IV.		1327 James I.
1350 Alfonso XI.		1336 Alfonso IV.
1369 Pedro I, the Cruel.		1387 Pedro IV.

SPAIN.—CONTINUED.

CASTILE.	ARAGON.
1379 Henry II.	1395 John I.
1390 John I.	1410 Martin I.
1406 Henry III.	1416 Ferdinand, the Just.
1454 John II.	1458 Alfonso V, the Wise.
1474 Henry IV.	1479 John II.
1504 Isabella I.	1516 Ferdinand, the Catholic.

CASTILE AND ARAGON UNITED.

HOUSE OF HAPSBURG.

1506 Joanna and Philip I, the Fair.
1555 Charles I.
1598 Philip II.
1621 Philip III.
1665 Philip IV.
1700 Charles II.

HOUSE OF BOURBON.

1746 Philip V.
1759 Ferdinand VI.
1788 Charles III.
1808 Charles IV.
1814 Joseph Bonaparte.
1833 Ferdinand VII.
1868 Isabella II.
1870 Revolution.
1873 Amadeus of Italy.
1875 Republic.
1885 Alfonso XII.
Alfonso XIII.

PORTUGAL.

1095-1139 Henry of Burgundy.	UNDER SPANISH RULE FOR 60 YEARS.
1185 Alfonso I, Henriquez.	1598 Philip II.
1212 Sancho I.	1621 Philip III.
1223 Alfonso II, the Fat.	1625 Philip IV.
1248 Sancho II, the Idle.	1640 Charles II.
1279 Alfonso III.	HOUSE OF BRAGANZA.
1325 Dyonisius, the Father of his Country.	1656 John IV.
1357 Alfonso IV, the Brave.	1683 Alfonso VI.
1367 Pedro I, the Severe.	1706 Pedro II.
1380 Ferdinand I.	1750 John V.
1433 John I.	1777 Joseph.
1438 Duarte.	1786 Pedro III.
1481 Alfonso V, the African.	1816 Maria I.
1495 John II, the Perfect.	1826 John VI.
1521 Emmanuel the Fortunate.	1828 Pedro IV, abdicated.
1557 John III, the Great.	1833 Miguel, usurper.
1578 Sebastian.	1853 Maria II.
1580 Henry.	1861 Pedro V.
1580 Antonio.	1889 Luiz.
	Charles.

FRANCE.

MEROVINGIANS.

In 448 Merovius was proclaimed king of the Salic Franks.

481-511 Clovis led the Franks into Gaul. The line ended in 752 Childeric III, the Stupid.

CARLOVINGIANS.

768 Pepin, the Short.
814 Charlemagne.
840 Louis I, the Debonnaire.
855 Lothaire I.
877 Charles I, the Bald.
879 Louis II, the Stammerer.
882 Louis III.
884 Carloman.
887 Charles II, the Fat.
898 Eudes.
929 Charles III, the Simple.
Rule contested by Robert.
936 Raoul or Rudolf.
954 Louis IV, d'Outremer.
986 Lothaire II.
987 Louis V, the Slothful.

CAPETIAN LINE.

Divided into four houses:

I. The old Capets, 987-1327,
14 kings.

II. Valois, 1327-1589, 13 kings.

III. B o u r b o n s, 1589-1830, 7
kings.

IV. Orleans, 1830-1848, 1 king.

I:

996 Hugh Capet.
1031 Robert.
1060 Henry I.
1108 Philip I.
1137 Louis VI, the Fat.
1180 Louis VII, the Young.
1223 Philip II, Augustus.
1226 Louis VIII, the Lion.
1270 Louis IX, St. Louis.
1285 Philip IV, the Hardy.
1314 Philip IV, the Fair.

1316 Louis X.
John I (four days).
1322 Philip V, the Tall.
1328 Charles IV, the Fair.

IIa, OLD VALOIS.

1350 Philip VI.
1364 John II, the Good.
1380 Charles V, the Wise.
1422 Charles VI.
1461 Charles VII, the Victorious.
1483 Louis XI.
1498 Charles VIII, the Courteous.

IIb, VALOIS ORLEANS.

1515 Louis XII.

IIc, VALOIS ANGOULÊME.

1547 Francis I.
1559 Henry II.
1560 Francis II.
1574 Charles IX.
1589 Henry III.

III.

1610 Henry IV.
1643 Louis XIII.
1715 Louis XIV.
1774 Louis XV.
1793 Louis XVI.
Louis XVII.
1789-1791 Constituent Assembly.
1791-1792 Legislative Assembly.
1792-1795 National Convention.
1795-1799 The Directory.
1799-1804 The Consulate.
1814 Napoleon I.
1824 Louis XVIII.
1830 Charles X.

IV.

1848 Louis Philippe.
1852 Republic.
Second Empire.
1870 Napoleon III.
Republic.

SCOTLAND.

843-854 Kenneth McAlpine, first king
of United Scotland.
858 Donald V.
874 Constantine II.

876 Ethus.
893 Gregory the Great.
904 Donald VI.
944 Constantine III.

SCOTLAND.—CONTINUED.

953 Malcolm I.
961 Indulfus.
965 Duff.
970 Cullen.
994 Kenneth III.
995 Constantine IV.
1003 Kenneth IV, the Grim.
1033 Malcolm II.
1039 Duncan I.
1057 Macbeth.
1092 Malcolm III.
1094 Donald VII.
1098 Duncan II.
1107 Edgar.
1124 Alexander I.
1153 David I.
1165 Malcolm IV.
1214 William the Lion.
1249 Alexander II.

1285 Alexander III.
1292 Margaret.
1296 John Baliol.
1306 William Wallace.
1329 Robert Bruce.
1342 Edward Baliol.
1371 David II, Bruce.

HOUSE OF STUART.

1390 Robert II.
1406 Robert III.
1437 James I.
1460 James II.
1488 James III.
1513 James IV.
1542 James V.
1567 Mary.
James VI.

ENGLAND.

SAXON LINE.

827-838 Egbert.
858 Ethelwulf.
860 Ethelbald.
866 Ethelbert.
871 Ethelred I.
901 Alfred.
925 Edward the Elder.
940 Athelstan.
946 Edmund.
955 Eldred.
959 Edwy.
975 Edgar.
979 Edward the Martyr.
1016 Ethelred II.
1016 Edmund Ironside.

DANISH LINE.

1035 Canute.
1039 Harold I.
1042 Hardicanute.

SAXON LINE RESTORED.

1066 Edward the Confessor.
1066 Harold II.

NORMAN LINE.

1087 William I, the Conquerer.
1100 William II, Rufus.
1135 Henry I, Beauclere.
1154 Stephen.

ANGEVINE OR PLANTAGENET LINE.

1189 Henry II.
1199 Richard I, the Lionhearted.
1216 John.
1272 Henry III.
1307 Edward I.
1327 Edward II.
1377 Edward III.
1399 Richard II.

HOUSE OF LANCASTER.

1413 Henry IV.
1422 Henry V.
1461 Henry VI.

HOUSE OF YORK.

1483 Edward IV.
1483 Edward V.
1485 Richard III.

HOUSE OF TUDOR.

1509 Henry VII.
1547 Henry VIII.
1553 Edward VI.
1558 Mary.
1603 Elizabeth.

HOUSE OF STUART.

1625 James I.
1649 Charles I.

ENGLAND.—CONTINUED.

COMMONWEALTH.	HOUSE OF HANOVER.
1653 Parliament.	1727 George I.
1658 Oliver Cromwell.	1760 George II.
1659 Richard Cromwell.	1830 George III.
	1839 George IV.
HOUSE OF STUART RESTORED.	1837 William IV.
1685 Charles II.	1901 Victoria.
1688 James II.	Edward VII.
1694 William and Mary.	
1702 William III, of Orange.	
1714 Anne.	

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